United Nations S/2002/1097

Security Council

Distr.: General
4 October 2002
English
Original: French

Letter dated 1 October 2002 from the Permanent Representative of the Democratic Republic of the Congo to the United Nations addressed to the President of the Security Council

On instructions from my Government, I have the honour to transmit herewith the attached documents:

1. Addendum to the note of the Government of the Democratic Republic of the Congo (S/2001/1156) on the Illegal Exploitation of the Natural Resources and Other Forms of Wealth of the Democratic Republic of the Congo;

2. Summary of the addendum to the Government's note.

I should be grateful if you would have the present letter and its annexes circulated as documents of the Security Council.

(*Signed*) Atoki **Ileka**
Ambassador
Permanent Representative

02-62420 (E) 191202

Annex to the letter dated 1 October 2002 from the Permanent Representative of the Democratic Republic of the Congo to the United Nations addressed to the President of the Security Council

Addendum to the Note by the Government of the Democratic Republic of the Congo (S/2001/1156), addressed to the Secretary-General, on the Wide-scale Looting and Illegal Exploitation of the Natural Resources and other Forms of Wealth in the Territories occupied by the Aggressors from Rwanda, Uganda and Burundi

October 2002

CONTENTS

	Page
Introduction	9
A. Basis and content of the new Panel's mandate	9
B. Rights of sovereignty of the Democratic Republic of the Congo over its natural resources	14
Part I. Update on the wide-scale looting and illegal exploitation of natural resources	17
Chapter 1: International financing of the war of occupation	18
Chapter 2: The criminalization of the economy of the Democratic Republic of the Congo	20
A. Mineral resources	20
A.1. Illegal exploitation in 2001	20
A.2. Certification of origin	25
A.3. Advantages of the certification system	25
B. Forestry resources	25
C. Financial resources	25
Chapter 3: The humanitarian disaster	28
3.1. Displaced persons and refugees	28
3.2. Child soldiers	29
3.3. Emerging diseases and disablement	30
3.4. The socio-economic effects of the war	31
3.5. The political dimension	34
3.6. The economic dimension	34
3.7. The humanitarian dimension	34
3.8. Growth in inter-ethnic conflict	45
Conclusion	45
Chapter 4. Environmental and infrastructural damage	46
Section 1: Depletion of plant and tree varieties	46
Section 2: Measures to protect rare species of animal	47
Section 3: Desertification and erosion	48
Section 4: Malnutrition, flight from the countryside and urban overcrowding	48
Section 5: Disintegration of the economy	48
Section 6: Disappearance of the tourist industry	49
Conclusion	49
Chapter 5. Criminal actors in the foreign war of occupation	50
5.1. The Ugandan network	51
5.2. The Rwandan network	52
5.3. The Burundian network	53
5.4. The Indo-Pakistani network	54
5.5. The Lebanese network	58
5.6. Foreign networks	59
5.7. Networks of Lebanese, Jewish, Congolese and other diamond merchants	64

Part II. Strengthening of institutional capacities and revision of commercial agreements and other contracts governing mining, forestry and land concessions 71

Chapter 6. Strengthening the institutional capacities of the Congolese State 72
6.1. Executive power in the Republic 72
6.2. Parliament 77
Chapter 7. Revision of the commercial agreements and other contracts on mining, forestry and land concessions concluded with third parties since 1997 by the Democratic Republic of the Congo 78
7.1. Current situation 78
7.2. Position of the Government of the Democratic Republic of the Congo 79

Part III. The violation of legal instruments, the settlement of disputes and the evolution of the peace process 81

Chapter 8. Legal instruments violated by the aggressors and by other war criminals 82
8.1. Universal instruments and other documents 82
8.2. Regional instruments 83
8.3. National legislation 84
8.4. Forestry-related and economic legislation 85
Chapter 9. The settlement of disputes 86
Section 1: Political 86
Section 2: Diplomatic 86
Section 3: Commercial 88
Section 4: Judicial 89
Chapter 10. The evolution of the peace process in the Democratic Republic of the Congo 91
10.1. The crisis in the Democratic Republic of the Congo 91
10.2. The Lusaka Agreement of 10 July 1999 92
10.3. The government's objectives and efforts in the context of maintaining the Inter-Congolese Dialogue from 26 January 2001 to the present day 93
10.4. The government's efforts prior to the Inter-Congolese Dialogue in Sun City 93
10.5. The Inter-Congolese Dialogue in Sun City and the political agreement for consensus-based administration of the transition 95
10.6. Arrangements for implementing the Sun City political agreement and continuation of the peace process in the Democratic Republic of the Congo 98

General Conclusions 100

Recommendations 102

ABBREVIATIONS

ADB	: African Development Bank
ADDE	: Association pour les Droits de l'Enfant
AFD	: Alliance des Forces Démocratiques
AFDL	:Alliance des Forces Démocratiques pour la Libération du Congo (Alliance of Democratic Forces for the Liberation of Congo-Zaire)
AGK	: Ashanti Goldfields Kilo
Aids	: Acquired Immune Deficiency Syndrome
AMFI	: America Mineral Fields
ASADHO	: Association Africaine pour la Défense des Droits de l'Homme
BANCOR	: Banque à la Confiance d'Or
BCR	: Banque Commerciale de Rwanda
BDGL	: Banque de Développement Economique des Grands Lacs
BGC	: Barrick Gold Corporation
BK	: Banque de Kigali
BUNADER	: National Office for Demobilisation and Reintegration
CCN	: Conférence des Notables d'Ituri sur les Conflits
CEEC	:Centre d'Evaluation, d'Expertise et de Certification (Centre for Examination, Evaluation and Certification)
CEPEX	: Control Projects and External finance Bureau
CITES	: Convention on International Trade in Endangered Species of Wild Fauna and Flora
CNPD	: Campagne National pour la Paix
CNPD	: Campagne National pour la Paix Duraable
COJESKI	: Association des Jeunes du Sud-Kivu
COMESA	: Common Market for Eastern and Southern Africa
CPGL	: Communauté des Pays des Grands Lacs
DGLI	: Dara Great Lake Industries
DSR	: Direction Provinciale de Sécurité et Renseignements (Provincial Office of Security and Information)
DSR	: Poverty Reduction Strategy Paper
ECC	: Eglise du Christ au Congo
FAC	: Forces Armées Congolaises
FAR	: Forces Armées Rwandaises
FDD	: Forces pour la Défense de la Démocratie
FDLR	: Forces Démocratiques pour la Libération du Rwanda
FEC	: Fédération des Entreprises du Congo
FIM	: Fonds International Mondial
GADERES	: Action Group for the Demobilisation and Reintegration of Child Soldiers
GDP	: Gross Domestic Product
GLAC	: Grands Lacs Confidentiels
HRD	: Diamond High Council (Antwerp)
ICCN	: Institut Congolais pour la Conservation de la Nature
ICRC	: International Committee of the Red Cross
ICTR	: International Criminal Tribunal for Rwanda

ILO	: International Labour Organization
IMA	: International Maritime Agency
IMF	: International Monetary Fund
IRC	: International Rescue Committee
LME	: London Metal Exchange
MIBA	: Minière des Bakwanga
MLC	: Mouvement de Libération du Congo
MONUC	: United Nations Organization Mission in the Democratic Republic of the Congo
MSF	: Médecins sans Frontières
NGO	: Non-governmental organization
OAU	: Organization for African Unity
OCC	: Office Congolais du Contrôle
OCHA	: United Nations Office for the Coordination of Humanitarian Affairs
OCPAGL	: Observatoire des Conflits pour la Paix en Afrique des Grands Lacs
OFIDA	: Office des Douanes et Accises (Customs and Excise Office)
OGT	: Observatoire, Gouvernance, Transparence
OKIMO	: Office des Mines d'Or de Kilomoto
ONC	: Office National du Café
PALU	: Parti Lumumbiste Unifié
PIR	: Programme Interimaire Renforcé
PMURR	: Programme d'Urgence pour la Réhabilitation et la Reconstruction du Congo
PNLS	: Programme National de Lutte contre le SIDA (National Programme to combat Aids)
RCA	: Central African Republic
RCD	: Rassemblement Congolais pour la Démocratie (Rally for Congolese Democracy)
RCD-ML	: Rassemblement Congolais pour la Démocratie - Mouvement de Libération, initially based in Kisangani, now in Bunia
RCD-N	: Rassemblement pour la Démocratie, was based in Bafwasende
RFI	: Radio France Internationale
RMA	: Ressources Minérales Africaines
RPA	: Rwandan Patriotic Army
RPF	: Rwandan Patriotic Front
RSA	: Republic of South Africa
SAKIMA	: Société Aurifère du Kivu-Maniema
SCIBE	: Société Commerciale et Industrielle BEMBA
SCP	: Société Congolaise du Pétrole
SOMICO	: Société Minière du Congo
SOMIKIVU	: Société Minière du Kivu
SOMINKI	: Société Minière et Industrielle du Kivu
SOSUMO	: Société Sucrière du MOSO (Burundi)
SOTEXKI	: Société Textile de Kisangani
STD	: Sexually Transmitted Diseases

UAT	: Ugandan Air Force
UBC	: Union de Banques Congolaises
UDPS	: Union Démocratique pour le Progrès Social
UNAIDS	: United Nations Joint Programme on HIV/Aids
UNCTAD	: United Nations Conference on Trade and Development
UNDP	: United Nations Development Programme
UNEP	: United Nations Environment Programme
UNESCO	: United Nations Scientific and Cultural Organization
UNHCR	: Office of the United Nations High Commissioner for Refugees
UNICEF	: United Nations Children's Fund
UNITA	: Union Nationale pour l'Indépendance Total de l'Angola
UPDF	: Uganda People's Defence Force
UZABUCO	: United Zaire Business Company
WHO	: World Health Organization
ZER	: Zones Exclusives de Recherche (Exclusive Research Areas)

INTRODUCTION

A. Basis and content of the new Panel's mandate

1. In his statement of 19 December 2001, the President of the Security Council renewed the mandate of the Panel of Experts for six months; subsequently he extended that mandate until October 2002. The Panel's new role, on behalf on the Security Council, was to bring to light instances of looting and illegal exploitation of the natural resources and other forms of wealth of the Democratic Republic of the Congo.

The objectives of this mission are the following:

a) To update the information on the looting and illegal exploitation of the natural resources and other forms of wealth of the Democratic Republic of the Congo;
b) To submit to the Security Council proposals on bringing to an end the wide-scale looting and illegal exploitation of the wealth of the Democratic Republic of the Congo without causing harm to the population;
c) To seek out, identify and expose any perpetrator, co-perpetrator or accomplice of interference with the wealth of the Democratic Republic of the Congo.

2. No one is excluded from this mission: States, international organizations, individuals, public or private enterprises. The Security Council views the Panel as a mechanism for exerting and maintaining pressure on all the parties involved in these crimes until such time as they cease and the Congolese people can enjoy territorial sovereignty and political independence. The statement by the President of the Security Council also requested the new Panel to submit an interim report in April 2001 and a final report in July 2001.

3. In the light of the President's statement and the reports by the Panel, the Government has prepared the present addendum to its note of December 2001. The addendum is divided into three main parts, as described below.

4. **Part I contains an update on the mass-scale looting and illegal exploitation of the natural resources and other wealth of the Democratic Republic of the Congo.** Updated information is provided in five chapters concerned, respectively, with the funding of the war of occupation, the criminalisation of the Congolese economy, the humanitarian catastrophe, the widespread environmental damage and the various parties involved in war crimes.

5. Chapter one deals with the international financing of the war of occupation. The Government emphasizes the part played by international financial institutions not only in funding the war, but also in supporting some of the emergency programmes launched by the Democratic Republic of the Congo. The United Nations Panel of Experts on the Wide-scale Looting and Illegal Exploitation of Natural resources and Other Forms of Wealth of the Democratic Republic of the Congo states in its report that international donors are the best judges of their activities and the assistance they provide for recipient

States. For its part, the Government does not regard it as normal that the aggressor States continue to receive financial assistance from the World Bank, the International Monetary Fund, the European Union and the governments of certain western countries, not to mention NGO's, enterprises and multinationals from those countries, while the Democratic Republic of the Congo receives none, or that such funding is used to help prosecute the war, with all the attendant consequences such as mass-scale looting of the natural resources of the Democratic Republic of the Congo, systematic massacres of its civilian population and every other form of human rights violation.

6. The second chapter concerns the criminalisation of the Congolese economy. The passage of time and events has revealed that this is a war geared not so much to the security and political concerns of the aggressor States as to the profitable, even lucrative, business interests of certain States, enterprises and multinationals, arms traffickers, counterfeiters, money launderers and illicit traders in drugs, gold, diamonds, coltan, cassiterite, timber, and rare or nearly extinct animal species.

7. All the ingredients are in place to encourage every kind of criminal undertaking. The economic crimes being organized on Congolese territory are linked to criminal groups across the world.

8. The third chapter tackles the question of the humanitarian disaster brought by the war of aggression in the Democratic Republic of the Congo. Observers of the international scene rightly see the events in our country as the first African-based world war. This view is based mainly on the following factors:

a) The presence of many foreign troops and the diversity of the armies involved, their daily running costs of several million dollars and their impact in spreading sexually transmitted diseases including Aids. Also, the extent of the economic damage, the loss of human life - estimated at over 3.5 million - and the millions of displaced people, refugees, orphans and wounded.

b) All these circumstances drastically weaken and impoverish the Congolese people, whose annual per capita income is estimated to be less than $75. The Congolese national budget for 2001 amounted to 160 million dollars. The amount for 2002, regarded as an exceptional performance, is still only 670 million dollars, of which not more than 70 per cent can be mobilized for a population of fifty million.

c) **The proportion of the budget reserved for all social sectors does not exceed 3 per cent of the total**, and must be used to tackle the upsurge in illiteracy, emerging diseases, Aids, corruption and begging. Speedy and large-scale international assistance is required in order to help the Congolese people regain their dignity and give them hope for a better future. To achieve that, the war must end and peace must be established.

9. The fourth chapter describes the complete destruction of the environment and basic infrastructures. The various reports on the plundering of this country's resources most often emphasize mineral resources. However, the natural environment has also been systematically looted and destroyed, although no thorough estimate of the cost has been

made. It is to be hoped that United Nations agencies such as UNESCO or UNEP will assist in assessing the overall cost of the damage.

10. The fifth chapter is concerned with the criminal elements in this war. The aim is to enumerate all the actors involved in the looting and illegal exploitation of the natural resources of the Democratic Republic of the Congo, the humanitarian disaster and the destruction of the Congolese environment.

11. **Part II concerns the strengthening of institutional capacities and the revision of commercial agreements and other contracts governing mining, forestry and land concessions.** This is a summary of the Government's efforts to strengthen the State's institutional capacities, revive co-operation with the international financial institutions and restart the process of revising the commercial and other agreements governing mining, forestry and land concessions. This part is contained in chapters six and seven.

12. The sixth chapter concentrates on the manner in which the Government is attempting to strengthen the State's institutional capacities. According to the Security Council, the main cause of the war and of the looting and illegal exploitation of natural resources and other forms of wealth is the excessive weakness, and even collapse, of Congolese state systems and institutions.

13. In view of the Security Council's findings, and in the hope of calming the country and enabling the State to recover its integrity by extending its authority across the whole national territory, the Government of the Republic launched a series of reforms and initiatives on 26 January 2001 aimed at strengthening State institutional capacity through good governance. The first steps are being taken at the level of the executive and in Parliament.

14. Chapter seven concerns the Government's efforts to embark on the process of revising controversial sections of commercial and other agreements governing mining and forestry concessions. The Security Council believes, rightly or wrongly, that over the past five years commercial transactions and economic agreements have been concluded in the Democratic Republic of the Congo which are one-sided, i.e. prejudicial to national sovereignty. The Security Council considers that all such agreements must be revised.

15. While emphasizing the fact that commercial and other agreements on mining, forestry and land concessions had been concluded properly, albeit in a war context, and within the framework of the general agreements on co-operation between the Democratic Republic of the Congo and its allies in the Southern Africa Development Community (SADC), the Head of State and President of the Republic, Major-General Joseph Kabila, instructed the Government in December 2001 to conduct a review of the sections of commercial and other agreements concluded with third parties that are said to be questionable.

16. The Government would like to emphasize at this stage that the Democratic Republic of the Congo has right of sovereignty over its natural and other resources. This

is a situation often questioned by those who wildly equate the Government of the Republic with the rebel movements for the sole purpose of covering up the latter's shameful deeds.

17. **In Part III the Government discusses matters relating to the violation of legal instruments, the settlement of disputes and the evolution of the peace process in the Democratic Republic of the Congo.** This part comprises chapters 8-10.

18. In chapter eight the Government cites the legal instruments which have been violated in order to attack and plunder the resources of the Democratic Republic of the Congo. By contrast, the ninth chapter advocates a series of procedures to follow in settling disputes arising from the war. This is basically a system of penalties. Those who have looted and illegally exploited the republic's natural and other resources are in clear breach of Congolese and international law. The perpetrators of these economic, humanitarian and environmental crimes are clearly liable to incur severe punishment.

19. The Government notes that, for five years now, the Security Council has been unable to punish all these offenders. In this context, the Government proposes to use more appropriate measures to try to settle the disputes triggered by the unlawful acts. Divided into four categories, these would be resolved on a bi- or multilateral basis with assistance from the international community:

a) **diplomatic disputes**: this is a question of contacts between States, with the Democratic Republic of the Congo entering into discussions with the aggressor States and the States that provide transit or a final destination for the looted and illegally exploited commodities;
b) **commercial disputes**: the Democratic Republic of the Congo would establish contacts of an economic nature with a view to seeking compensation from commercial enterprises on the basis of arbitration and settlement;
c) **political disputes**: a political solution is the paramount consideration in bringing an end to the Congolese crisis. The search for peace will require political negotiation (Inter-Congolese Dialogue and interregional dialogue), and the efforts to secure the well-being of the whole population will call for national reconciliation and reconstruction;
d) **legal disputes**: at this stage, the Democratic Republic of the Congo reserves the right to bring proceedings in the national or international courts against any natural or legal person implicated in the illegal exploitation and wide-scale looting of its resources. This remedy would only be used after the others had been exhausted.

20. Chapter ten describes how the peace process will unfold once all foreign troops have left the Democratic Republic of the Congo and after the conclusion of a universal and inclusive agreement among the Congolese. Since January 2002, several events have occurred in the Democratic Republic of the Congo that are conducive to the establishment of lasting peace and national unification. The Government provides a summary of these in the last chapter of this addendum.

21. Having thoroughly examined the above-mentioned issues, the Government concludes by making a number of recommendations to the United Nations Security Council with a view to ending the wide-scale looting and illegal exploitation of its resources, ending the war of aggression and introducing sanctions to prevent any repetition of these disgraceful criminal practices, whether in the Democratic Republic of the Congo, whose enormous economic resources are so coveted, or elsewhere.

B. Rights of sovereignty of the Democratic Republic of the Congo over its natural resources

22. In endorsing the Panel's definitions of concepts such as "legality", "looting" and "exploitation", the Government of the Democratic Republic of the Congo would like to make the following comments:

23. Firstly, the notion of legality must be defined in relation to three factors:

a) the date of 30 June 1960, when the Democratic Republic of the Congo became a sovereign and independent state, **not** the status of its authorities;

b) existing law, i.e. that which was in force before the war of aggression, and **not** the effective powers exerted by the authorities:

c) convergence between business and trade practices and compliance with existing national and international legislation.

24. Secondly, the broad definition of exploitation goes beyond extraction, production, commercialization and exports of natural resources. It covers other related activities such as transport, insurance, financial transactions, customs duties, general taxation and estate levies.

25. The RCD, MLC and RCD-ML are trying desperately to find imaginary prerogatives in the Lusaka Ceasefire Agreement in an attempt to cover up their illegal activities. On this point, reference need only be made to paragraph 15, article III of the Agreement, which states: "Nothing in the Agreement shall in any way undermine the sovereignty and territorial integrity of the Democratic Republic of the Congo."

a) This provision usefully complements article 3 of the Charter of the OAU, now the African Union, which guarantees all its Member States their sovereignty and territorial integrity, and article 2 of the Charter of Economic Rights and Duties of States in relation to their natural resources and national wealth, not to mention the United Nations Declaration on Permanent Sovereignty over Natural Resources.

b) Sovereignty is a right of states. It may only be granted to one state, and as a consequence may only be exercised by one state, i.e. a political entity in possession of a territory, a population, institutions, and an internationally recognized legal personality. The RCD, the MLC, the RCD-ML and the RCD-N and all the other rebel movements are not this kind of entity. Accordingly, they cannot perform acts of sovereignty. What they wrongly regard as their state prerogatives in fact constitute rebellion, looting and illegal exploitation of the natural resources and other wealth of the Democratic Republic of the Congo.

c) These are offences for which provision is made and punishment prescribed in the Congolese Penal Code and the Congolese Code of Military Justice. Meanwhile, the states which colluded in these vile acts show their commitment to their international responsibilities by violating international legal instruments such as the United Nations Charter, the OAU Charter, the Charter of the African Union and the relevant resolutions of the United Nations General Assembly and Security Council.

d) All these violations constitute serious offences under international law. The harm done to the Congolese people is beyond measure: over three and a half million killed and millions more injured, mutilated, sick, displaced or made refugees, escalating poverty and extreme vulnerability to emerging diseases, the worst being Aids, which is now cutting a swathe through the active population. Just compensation is needed in order to redress this situation and restore the dignity of the Congolese people.

e) The Lusaka Agreement does not divide the Democratic Republic of the Congo among two or several successor states following the dismantling of the Congolese Empire. It does not authorize any rebel movement to perform acts of sovereignty. International law reserves this right for states alone.

f) The administrations being maintained by rebel leaders in the territories they occupy are illegal institutions, set up and run by outlaws for the purpose of robbing this country and its people. The rebels must not be allowed to continue glorying in their depravity.

g) The administration of laws and justice involves acts of sovereignty that fall within the exclusive competence of the legal and legitimate government of the Democratic Republic of the Congo. The Government has not forgotten the population or any of the public servants - civil servants, magistrates, teachers - living in the occupied territories.

h) As proof, the Government is holding state examinations in the occupied territories in order not to deprive Congolese school-leavers of the opportunity to progress to further and higher education.

i) MONUC has provided vital assistance in transporting examination scripts and examiners safely and in complete confidentiality.

j) With help from WHO and UNESCO, governmental departments are conducting a poliomyelitis vaccination campaign across the country, including the occupied territories, in order to prevent the disablement of part of the young population. Large amounts of resources have been freed for this public health initiative; those involved are exposed to great risks in reaching the children.

k) The Government has decided to begin paying the salaries of all state employees in the occupied territories. A team has visited Gbadolite to discuss the payment of salary arrears with the MLC. The team has already ensured that the state employees in the territories formerly controlled by the RCD-ML receive regular wages.

l) The Lusaka Agreement recognizes that a situation of conflict exists and that the parties are on a war footing, and acknowledges that only one government continues to support the institutions of state; this is not contested by anyone. Neither is there a Congolese Government in exile. The Congolese Government is a reality - objective, incontestable and inescapable.

m) The country must continue to be governed. The Kinshasa government is known and accepted by all Congolese, including those in the rebel movements, and by the international community, both as a whole and by individual states.

n) Members of the diplomatic corps and representatives of international organizations are accredited in Kinshasa, where the institutions of the Republic are based.

o) By carrying out acts of government, the rebel movements are stealing the natural or financial resources of the Democratic Republic of the Congo, since their actions violate the mandatory rules of Congolese law and national sovereignty.

p) The Congolese soil and what lies beneath it are the exclusive, inalienable and indefeasible property of the Congolese State. Since the RCD, the MLC and the RCD-ML are not states, they can in no way commit the Democratic Republic of the Congo. The Lusaka Agreement did not establish a state named RCD, MLC or RCD-ML on Congolese territory.

q) The Lusaka plenipotentiaries had no mandate to dismember the Democratic Republic of the Congo. Their mission was confined to seeking a cessation of hostilities through an effective ceasefire and national reconciliation on the basis of the Inter-Congolese Dialogue. Had there existed a MLC, RCD or RCD-ML state, international recognition would have been required. To date, not one of these movements has proclaimed an independent and sovereign state, and no other state has ever granted such recognition, even those that support their rebellion and act in partnership with them.

PART I

Update on the Wide-scale Looting and Illegal Exploitation of Natural Resources

CHAPTER 1: INTERNATIONAL FINANCING OF THE WAR OF OCCUPATION

26. The war of occupation imposed on the Democratic Republic of the Congo by its eastern neighbours has attracted a colossal amount of funding from abroad. International donors have played a pivotal role in funding the war and in criminalizing the Congolese economy and people. It is quite obvious that the attackers would never have the necessary human, material and financial resources to carry out their task of attacking Congo-Kinshasa and maintaining a four-year occupation without the considerable financial support of private, bi- and multilateral donors.

27. This funding has been given to the aggressors in violation of the relevant international laws, since the aggressors do not fulfil the generally accepted criteria for the receipt of international funding.

28. This money has helped provide the platform for the attacks, the occupation, the wide-scale looting of natural resources, the illegal exploitation of natural resources and other forms of wealth, the transfer of goods to their final destinations in other countries, the genocide against Congolese people in the occupied teritories, rape and every other form of human rights violation, and the spread of Aids in the occupied territories.

29. The financial support given to the aggressor states comprises two types: private, and either bilateral or multilateral.

30. The private finance has come from the private companies that facilitated contacts between the aggressors and the transit and end-user countries, as well as the transportation and rapid sale of looted commodities.

31. As to bilateral and multilateral assistance, unfortunately the aggressor states have received large amounts of aid from international donors such as the IMF and the World Bank intended to improve their budgetary situation and balance of payments problems, at the same time as they have been prosecuting this war. Many powerful trans-national and multinational companies have also been involved.

32. As an example, the latest information provided by the Control Projects and External Finance Bureau (CEPEX), divides up the financial assistance that Rwanda received from the international community in 2001 as follows: 258 million dollars in bilateral co-operation, 300 million dollars in multilateral co-operation and 46 million dollars from international NGOs. The total of 604 million dollars is almost the same as the theoretical budget of the Democratic Republic of the Congo for 2002, estimated to be 670 million.

33. The following processes have resulted from this injection of funds:

1. Disintegration of state systems and institutions;
2. Humanitarian disasters and the impoverishment of the Congolese people;

3. Criminalization of the Congolese economy, which became a testing ground for international mafia-style operations.

34. **Only at this late stage** are the donors beginning to play a positive role through involvement in the efforts to restore peace and tackle poverty.

The war of occupation

35. For some months the war in the Congo has been waged in the east. It is now taking place mainly in Orientale Province, in North and South Kivu, Maniema and Katanga. The RCD-ML of Mbussa Nyamwisi constantly denounces incursions and attacks against people and property in the territories it controls by troops from the MLC, RCD-Goma, Rwanda, the RCD-N or Uganda. The capture of Bunia and Isiro townships and the Bafwasende and Watsa territories by Ugandan troops in the north of Orientale Province show he is right. This conflict is targeting the areas where gold and diamonds are exploited.

35. Inter-ethnic conflicts have intensified in Ituri since the first quarter of 2001 and the start of 2002. The major victims have been the Hema and Lendu communities, but the maelstrom of violence has since sucked in other ethnic groups not involved in the first phase of hostilities, notably the Alur, Bira and Nyali. Thousands more vulnerable people, including women, children and the elderly, have been killed. Reliable reports from Bunia state that all kinds of weapons have been used in the fighting.

36. Uganda bears a heavy responsibility for the enormous human and material losses in Ituri - currently over 25 000 deaths, 600 000 displaced persons and innumerable injuries left untreated. In response, the Government of the Democratic Republic of the Congo decided on 11 January 2002 actively to seek ways and means of bringing peace to the ethnic groups involved.From 26 August to 6 September 2002 the Government convened the First Conference on Peace in Ituri, at the CCN (Conférence des Notables de l'Ituri sur les Conflits) in Kinshasa, attended by leaders from the territory and those living in Kinshasa. All committed themselves to the pursuit of peace.

38. Meanwhile, the Rwandans continue to strengthen their military presence in Kivu, where they have massacred civilians under the pretext of pursuing Interahamwe militia and RCD dissidents of Banyamulenge origin led by Patrick Masunzu.

39. Several observers wonder whether the Banyamulenge have in fact become Interahamwe only to suffer at the murderous hands of the bloodthirsty regime in Kigali, while at the same time the latter presented them to the world as a Tutsi ethnic minority established in the Democratic Republic of the Congo and in dire need of direct protection from their mother country.

40. This is also the case with the attacks launched on Moliro in Katanga by Rwanda and RCD-Goma during the Inter-Congolese Dialogue, and during the recapture of Pweto, again by Rwanda and the RCD-Goma, contrary to the relevant resolution of the United Nations Security Council demanding its demilitarisation, and again in the massacre of the population of Kisangani in May 2002.

CHAPTER 2: THE CRIMINALIZATION OF THE CONGOLESE ECONOMY

41. The mendacious argument often used by the aggressor countries to justify their efforts to conquer the Democratic Republic of the Congo is that they are guaranteeing the security of their own borders. The same applies to their looting and illegal exploitation of the country's wealth. The zeal with which these countries pursue such activities amply demonstrates that, even if they may have entered into hostilities because or on the pretext of security concerns, their underlying reasons for continuing the war are economic.

42. The enormous potential profits of this war constitute the main motive for the wide-scale looting, the prolonged occupation of the eastern regions and the relentless cycle of hostilities and arms trafficking. The attack on Moliro in northern Katanga in February and March 2002 by Rwandan troops demonstrates this assertion. In its briefing of 23 January 2002 on Burundi, the NGO "Grands Lacs Confidentiels" (GLAC) reported that bands of mercenaries recruited by Rwanda and Uganda were stationed in the military camps of Bujumbura (Gatumba, Ngagara, Muha) in transit to Moliro, where they were to launch a final assault on the copper-mining town of Lubumbashi.

43. This plan also included the capture of the diamond-mining town of Mbuji-Mayi in eastern Kasaï. The reinforcement of the Ugandan troops in Orientale Province and North Kivu can only be interpreted as a move intended to help maintain the occupation of the Congo in order to continue exploiting its wealth.

44. It is clear from the above information that the only explanation for the prolonged occupation of the Democratic Republic of the Congo and the continuation of the war is the aggressors' frantic desire to acquire its wealth. There follows a description of this process.

A. Mineral resources

45. The Government's initial investigations, as summarized in the report of October 2001, focused mainly on five mineral commodities: coltan, diamonds, gold, cassiterite and niobium. These are still the object of looting and illegal exploitation by the aggressor countries, namely Uganda, Rwanda and Burundi.

46. The addendum to the report of the Panel adds to this list two other metals: the cobalt and copper produced in the government-controlled areas of Katanga Province.

A.1. Illegal exploitation in 2001

47. The Government's report of October 2001 revealed that exports of products which had been either looted (gold, cassiterite and coltan) or illegally exploited (coltan, diamonds, gold, cassiterite, and niobium) had brought in 1.5 billion dollars for the aggressor countries, with coltan accounting for 52.4 per cent, diamonds 28.3 per cent and gold 17.6 per cent.

48. In response to the publication of the Panel's report in April 2001 and the further investigations made pursuant to its extended mandate during the six months leading up to October 2001, the illegal exploiters simply changed their working methods. A third factor of importance in this context was the climate of insecurity in which the RPA and the illegal exploiters had to operate owing to the activities of Mayi Mayi troops throughout Kivu.

49. The new operating methods used since then may be summarised as follows:

1.1. In certain circles, the exploitation of mineral resources has operated almost entirely through Congolese subjects working for the real exploiters, i.e. Ugandans, Rwandans, Burundians and their associates. Thus:

1.1.1. In Orientale Province, the insecurity generated by the Panel's troublesome inquiries and by the widespread Hema/Lendu inter-ethnic conflicts in Ituri has persuaded the foreign gangs to re-organize the exploitation of the natural wealth of the Democratic Republic of the Congo to their own advantage, by funding the conflicts. Accordingly, certain local businessmen have been obtaining large sums of money to finance small-scale exploitation of diamonds, coltan and gold. Every means of exploitation is active, including some in the Okimo concessions.

1.1.2. In North Kivu, South Kivu and Maniema, illegal exploitation of the country's natural resources is organized in the manner just described.

However, the following considerations apply to coltan, cassiterite and niobium:

50. In the report produced by the National Commission of Experts following its visit to Nairobi in October 2001 and in the addendum to the Panel's report submitted to the Security Council in December 2001, reference was made to a slowdown in the rate of looting and exploitation of Congolese wealth, mainly for the following reasons:

a) pressure from the international community following the submission of the Panel's report to the United Nations and the scandalised response to the scale of the looting;
b) a fall in prices, notably of coltan, resulting in declining interest on the part of the aggressors.

51. During the second half of 2001 and at the beginning of 2002 a new factor came to prominence - the Mayi-Mayi. In their struggle against the occupying armies, the Mayi-Mayi groups generally target the mining centres occupied exclusively by the invading forces, with a view to disrupting operations.

52. The Mayi-Mayi groups have stepped up the pressure on the following centres:

a) In Maniema province:
- Kailo - Muyengo - Kindu;
- Moga - Kalima;
- Kailo - Punia - Kasese.

b) In southern Kivu province:
- Lugushwa - Kitutu - Kamituga - Ulindi;
- Kamituga - Mulungu;
- Walungu - Kadubu - Nzovu - Shabunda.

53. The strategy developed by the Mayi-Mayi has forced the RPA to remove to Rwanda:

- Rwandan Hutu prisoners that Rwanda had brought in to work the coltan deposits at Mafombi (Walikale territory), Kalima, Punia and Kasese;
- certain Rwandan-run *comptoirs* concerned with the purchase of minerals;
- among others, the MEDIVAL company set up at Kalima to replace SOMINKI.

1.2. In the marketing sphere, for the reasons given above new types of organizations and networks have been deployed in Orientale province and in the former Kivu.

1.2.1. Most *comptoirs* have thus been moved from the Democratic Republic of the Congo (Goma, Bukavu, Kalima, Butembo, Bunia, Kisangani) to become either mobile concerns or permanent entities in Kampala, Kigali and Bujumbura.

54. At the first type of *comptoir,* Congolese commission agents operate at the exploitation sites or in the towns and centres where dealing is done, while the real buyers (warlords and others) await developments from their city centre hotel suites. In the second alternative, Congolese commission agents and dealers bring minerals to sell at *comptoirs* set up in the capitals mentioned.

1.2.2. In response to the diamond certification scheme, which has hit illegal diamond trading hard, the aggressors and the clandestine Congolese operators in the occupied territories are directing the trafficking of diamonds and gold away from the Democratic Republic of the Congo to neighbouring countries not involved in the war (e.g the Central African Republic, Congo-Brazzaville, Tanzania, Zambia, Kenya) and to Dubai, which have thus become transit or end-use countries.

1.2.3. Cross-border trafficking has been boosted by the high stock-market prices of the more prized minerals: diamonds, gold and coltan.

a. Diamonds are being offered at very high prices per carat at the *comptoirs* in most neighbouring countries, as compared with the average export prices at Antwerp in 2001 or the prices in the Democratic Republic of the Congo or at Brazzaville (Table 1).

Table 1: Average prices at Antwerp in 2001

Country	Carats	Value in US$	Average prices	
			US$ billions	% difference compared with average DRC price *
1. DRC	19 636 960	495 238 810	25.22	-
2. Zambia	35 614	13 556 192	380.60	1.409
3. Tanzania	16 570	4 587 300	276.91	998
4. Angola	2 533 580	560 980 920	224.97	792
5. CAR	614 489	96 920 514	157.70	525
6. Rwanda	9 970	1 245 020	124. 90	395
7. Uganda	23 958	2 539 270	105.90	320
8. Congo/Brazza	5 409 810	223 848 020	41.38	64
9. Dubai	7 598 320	149 507 160	19.60	-22

* Percentage differences according to the European Committee for Standardization (CEN)

Source : Ministry for Mines, Democratic Republic of the Congo

55. Table 1 permits the following conclusions:

- the percentage differences between the average prices per carat practised in the DRC and those in neighbouring countries justify the rush towards diamond trafficking on the markets of those countries;
- most gems, i.e. diamonds of high value, are exported by the neighbouring countries. (The same is true of the Dubai market, which exported 7.5 million carats at a price of 149.5 million US dollars, or 19.60 US$ per carat).

b. Gold prices at the London Metal Exchange have been rising since the end of 2001: 292 US$ per oz. in October 2001; 301 US$ per oz. on 12 April 2002; and 320 US$ per oz. on 22 May 2002. This rising trend largely explains the growth in fraudulent trading of metals in the territories controlled by the occupying armies.

c. Coltan prices are undergoing a net decrease on the international market. They fluctuate at around 35 dollars per kg, which was their price in the first half of 1998.

1.3 Local government bodies in the occupied areas - Mining and geology, Economy, the OCC (Office Congolais de Contrôle) are not permitted to produce statistics on mineral exploitation. As a result of this clampdown, not only diamonds but other products of illegal exploitation leave the Democratic Republic of the Congo completely unrecorded, either on national territory or at border posts.

1.4 Most products are taken out by air to export centres located mainly in neighbouring countries. Such tactics make it difficult for the Government to draw up statistics on mineral production.

56. As a result of the methods described above, Rwanda's official diamond exports to Antwerp amounted to 9 970 carats in 2001, at a total price of 1 245 020 dollars and an average price per carat of 124.90 dollars; the equivalent figures for 2000 were 30 973 carats at a total price of 1 842 216 dollars and an average price of 62.12 dollars per carat. This represents a clear drop of 67.8 per cent in terms of export volume and 35.3 per cent in terms of export value.
By contrast, Uganda was able to export to Antwerp 23 958 carats of diamonds (total price $ 2 539 270, average price per carat $ 105.90) in 2001, as against 9 387 carats (total price $1 280 899, average price per carat $ 124.90) in 2000. This is a resounding increase of 155% in terms of export volume and 98% in terms of export value.

57. These figures give an idea of what is really happening: the aggressor countries continue to exploit this country's mineral resources.

58. The addendum to the Panel's report acknowledges this situation, for example in paragraph 97: " While the effect of the Panel's report and the significant withdrawal of UPDF troops have given the impression that the exploitation activities have been reduced, they are in fact continuing. The commercial networks put in place by Ugandan army commanders and their civilian counterparts that were described in the report are still functioning in Orientale province and Kampala. The Trinity and Victoria companies, for example, are still actively exploiting diamonds, gold, coffee and timber. UPDF have thus been able to pull out their troops, while leaving behind structures that permit military officers and their associates, including rebel leaders, to continue profiting."

59. Following the recent Luanda peace agreement, which resulted in the withdrawal of Ugandan troops from Gbadolite, Beni and Butembo, the Government of the Democratic Republic of the Congo would like to hope that this kind of network will not operate again. However, the help of the international community will be needed.

60. A remarkable degree of illegal exploitation remains in the territories occupied by the Rwandan army. Again, the addendum to the Panel's report states (para 93): "Security concerns should not however be used as a pretext to maintain a large military presence, which also facilitates continuing exploitation of Congolese resources, in areas of the eastern Democratic Republic of the Congo such as Kisangani and Kindu."

61. The same applies to Burundi's not inconsiderable involvement in the continuing exploitation of Congolese resources. Paragraph 103 of the addendum states: "...[Burundian] officials also emphasized that Burundi's inability to control its borders, together with its tradition of cross-border trade, has led to widespread smuggling by small-scale operations."

A.2. Certification of origin

62. Within the framework of the Kimberley Agreement, the international diamond trade has decided to set up an international diamond certification scheme. The aim is to lend the weight of the United Nations to the peace process and protect the legitimate diamond trade. The Ministry for Mines of the Democratic Republic of the Congo has concluded an agreement with the Diamond High Council (HRD) of Antwerp under which exported Congolese diamonds must be certified.

63. As a result, in December 2001 the Centre for Examination, Evaluation and Certification (CEEC) was provided with suitable facilities and equipment.

A.3. Advantages of the certification system

64. Now, any diamond that reaches the markets of members of the Diamond High Council, or of signatories to agreements under the Kimberley process by methods that do not comply with the prescribed procedures, will be reported to the country of provenance and returned to it. The HRD is offering to set up a safeguards system enabling every diamond-producing country and signatory to an agreement to exercise effective control over their internal markets and the fraudulent systems that exist between countries.

B. Forestry resources

65. The situation concerning timber is well illustrated by the following situation. A major Ugandan merchant, specialising in the products of the Budongo forest and the timber trade, claims he has lost his share of the market. He blames General Kazimi, who is fraudulently exporting Congolese wood seized by his troops.

66. Proceedings have been started against the Ugandan military authorities, with the aim of halting the unfair competition and claiming damages and interest. The general in question is the main actor in the timber trade in Oriental and Equatorial provinces. His troops have ravaged the Congolese forests, causing widespread deforestation.

C. Financial resources

67. Dr Adolphe Onusumba, president of RCD-Goma, has announced his intention to have new Congolese franc notes printed. This information was contained in a report he produced for members of the RCD-Goma management committee explaining how he had had to travel to Belgium in order to verify orders placed by Emmanuel Kamanzi.

Links between the wide-scale looting and illegal exploitation of the natural resources and other forms of wealth of the Democratic Republic of the Congo and the continuation of the war.

68. The conventional wisdom, based on a number of sources, is that the Rwandan Government is anxiously seeking a breathing space that will enable it to deal with its economic and demographic problems.

69. In reality, security concerns are only a pretext to justify the occupation of part of the Democratic Republic of the Congo by Rwanda, Uganda and Burundi. These aggressors' presence on Congolese territory is a flagrant breach of the United Nations Charter and the Charter of the OAU (now the African Union). Were it not for certain powers' complicity in a plot to divide the Democratic Republic of the Congo, the United Nations Security Council would already have brought the Congolese crisis to an end. The failure to help this country has brought humanitarian, economic and environmental disaster on a scale never before seen in Africa.

70. The presence of Rwandan troops in the Democratic Republic of the Congo is part of a long-term plan to annex Kivu. The first step would be to have a federal Congolese government installed, with someone loyal to Rwanda at its head. That person would then grant Rwanda supervision of Kivu. The political, military and administrative authorities of Kivu would then be appointed by the central government on the advice of Kigali. Next, Rwanda would assist the Kivu authorities to break away from the central government and proclaim secession.
The central government would then supposedly wage a conflict to deal with the secession. However, since that central government would be at the beck and call of a Kigali government supported by certain political and/or economic-financial powers, pressure would be exerted on the United Nations and the African Union to hold a quick referendum on Kivu's self-determination, for which many pretexts would be found. Large sums of money would be mobilised to seduce Kivu's population. The newly created secessionist Republic of Kivu would then be swiftly incorporated into a confederation along with Rwanda and the two other Tutsi-dominated states of Uganda and Burundi.

71. The annexation of Kivu by the international Tutsi Power movement would enable Rwanda to tackle its demographic problems and gain control over Kivu's abundant natural resources.

72. It should be pointed out that, in addition to the human Interahamwe (Rwandan Hutus) treated as the pretext for the presence of Kigali's soldiers in the occupied territories of the Democratic Republic of the Congo, there also exist **real Interahamwe, namely the natural resources and other forms of wealth of the Democratic Republic of the Congo and the Congolese territory of Kivu, which is treated as Rwanda's *lebensraum*.**

73. As proof, in September 1996, less than a month before the first attacks on Bukavu and Goma by the RPA, the then President of Rwanda, Pasteur Bizimungu (since disgraced and himself at risk of being treated as Interahamwe) announced, on leaving a government meeting held in the Rwandan town of Cyangugu, opposite the Congolese town of Bukavu, that it was time to hold a "Berlin Conference Mark Two" so as to redraw the frontiers of the Great Lake countries. In the same speech he added that if Zaire wished to expel the Banyamulenge from their territory, it should let them take their hills, plateaux and plains with them.

74. In the same vein, in his speech of 7 April 2001 subsequently reproduced in Le Monde of 20 August 2001, **President Paul Kagame declared: "The looting in the Congo started a century ago. The western countries now bothering us about this are the very ones that started it all. If they complain, it is because we are now doing what they have always done".** (See the report of the Committee of National Experts published by the United Nations Security Council, document S/2001/1175, p. 83).

75. Put another way, what could explain the three conflicts between Rwandan and Ugandan troops in Kisangani if not their respective ambitions to control and illegally exploit the natural resources of Orientale Province? In other words, is it really likely that Ugandan troops had also become Interahamwe or ex-FAR or even their protectors (sponsors) only to then be attacked and humiliated by Rwandan troops?

76. Rather than embark on a desirable course, for example by marrying complex policy with rational management of its territory, Rwanda prefers instead to lust after Congolese lands in Kivu. Some sources say that the Rwandan plan to populate the Congolese parts of Kivu was hatched with the connivance of certain foreign powers, in defiance of the United Nations Charter and that of the OAU (African Union).

77. In addition to Rwanda's plan to annex North and South Kivu and the Isiro district in Orientale Province, it must not be forgotten that lust for the abundant wealth of the Democratic Republic of the Congo led certain political and financial powers to plot the country's Balkanization. However, that particular scheme was thwarted by the patriotism of the Congolese people.

78. The greedy ambitions of Rwanda and the other aggressor countries are the main reason for the continuing wide-scale looting of Congolese wealth and the war of aggression.

CHAPTER 3: THE HUMANITARIAN DISASTER

79. War destabilises and disorientates a society. Society's greatest resource is its people. Only by the people's will can a nation become united and a state become viable.

80. When a state loses a large part of its population because of war, the damage takes decades to repair.

81. There now follows an analysis of the war's effects on the population, in terms of mortality rate, schooling, healthcare provision and a number of other economic and social factors.

3.1. Displaced persons and refugees

82. One of the effects of war is the creation of a human tide fleeing the battle areas to seek refuge in calmer regions. In the case of this war of aggression, and with particular reference to the combat zones, three such categories apply: the displaced, refugees and child soldiers.

3.1.1. Persons displaced by war

83. The displaced mainly come from Katanga, North Kivu, Maniema, Equateur, western Kasai, eastern Kasai and Orientale provinces.
All the pre-existing infrastructures in these places have been destroyed, along with their administrative and economic structures. Their instinct for self-preservation has led the population of these areas to leave their homes for calmer areas such as the capital, Kinshasa, and towns and villages in the provinces not occupied by invading troops and rebel movements.

84. For those who have not found a family to take them in, reception centres have been opened at Kinshasa, Kinkole, Nganda Musolo and Cicotra. These have given shelter to around 120 000 displaced persons. Life there is hard, and some have taken to crime, banditry and prostitution.

84a. The situation has created more "street children". The existing social structures cannot absorb them. The number of persons displaced throughout the Democratic Republic of the Congo is estimated to be over 2.1 million.

3.1.2. Refugees

85. The people living in frontier areas have taken refuge in neighbouring countries, especially Tanzania, Central African Republic, Congo Republic, Zambia, Sudan, Angola and Kenya. The list of other countries includes Gabon, Togo, Cameroon, South Africa and Botswana. The overall total is estimated at over 500 000.

86. At the end of the war, the Democratic Republic of the Congo will be faced with the problem of reintegrating the displaced and returning refugees to their place of origin. The cost of these two operations will be very high. The United Nations Office for the Co-ordination of Humanitarian Affairs (OCHA) estimates the cost of reintegrating a displaced person at 1 000 dollars, and of repatriating and reintegrating a refugee at 1 600 dollars. On this basis, the total cost for the displaced will be 2.1 billion dollars, and for refugees 800 million dollars - a total of 3 billion dollars.

3.2. Child soldiers

87. From the outset, the steep rise in numbers of combatants has included large-scale participation by child soldiers (aged under 18). To date, no accurate and complete count of the minors among the ranks of the various armies and militias has been made. The most frequently cited estimates refer to 30 000 children.

88. The Ugandan armed forces have even deported some children from Orientale Province to Uganda. Some of these have been handed over to UNICEF for repatriation.

89. In December 1999, the then Congolese President, Laurent-Désiré Kabila, gave his agreement to the holding of a forum on the subject of child soldiers, which resulted in the publication of an outline plan for their demobilisation and reintegration.

90. The determination of the Congolese government was eventually translated into a legislative decree (No. 066 of 9 June 2000) forbidding the enrolment of minors into the armed forces and promoting the demobilisation and reintegration of child soldiers.

90a. Responsibility for mounting an awareness campaign and organizing the demobilisation and reintegration of the child soldiers was handed to the National Demobilisation and Reintegration Office (BUNADER), pursuant to Ministry of Human Rights Decree No. CAB/MDH/001/2000.

91. On 18 December 2001, the Government started demobilising around 300 child soldiers, who were placed in the Kimwenza transit and guidance centre. However, the de facto partition of the country has hampered any large-scale measures.

92. Some civil associations have banded together to form the Action Group for the Demobilisation and Reintegration of Child Soldiers (GADERES).

93. The international community has been asked to support the Democratic Republic of the Congo in its efforts demobilise child soldiers and return them to family, school and work. This will entail the following measures:

a) a full census of all the child soldiers on Congolese territory;
b) an awareness campaign targeting armies, schools, families and combatants;
c) the creation of transit and guidance centres to hold the demobilised children prior to social reintegration;

d) transportation and a counselling programme for the children in the centres;
e) proper reintegration into the children's original families and host families;
f) a range of relevant activities to support local economic initiatives (occupational training, micro-credit institutions, etc.).

3.3. Emerging diseases and disablement

3.3.1. Emerging diseases

94. This category comprises mainly sexually transmitted diseases, of which Aids is the most destructive. Before the war, the countries worst affected by Aids were Uganda, Rwanda, the Central African Republic and Zimbabwe. Since the war, foreign troops have become the vectors of the disease.

95. A report by the Ministry of Health cites the following rates of HIV found by UNAIDS in 1994: Democratic Republic of the Congo 4.5%, Uganda 14.6%, Rwanda 27.6%.
The National Plan to Combat Aids (PNLS/RDC) estimates, on the basis of trends observed among blood donors, that the conflicts and mass displacements of population towards the east since 1994 have resulted in a tripling of HIV levels. In Goma, the rate increased from 4.2 per cent in 1994 to 20 per cent in 2000.

96. The prevalence of HIV/Aids has increased from 5 per cent to 22 per cent in the war zones. The Ministry of Health estimates the annual cost of treating 3 million sufferers to be 2.16 billion dollars (at $720 per head).

97. Reports by WHO amply demonstrate that Aids has become more widespread in recent years. The reason is that the allies of the parties to the Congolese war come from countries whose Aids levels are the highest in sub-Saharan Africa. The immoral behaviour of the occupying forces and the number of rapes they have committed have spread the disease to the operational areas.

98. **Special mention must be made of the manner in which the Ugandan and Rwandan governments employ a biological weapon by sending HIV-positive soldiers onto Congolese territory to spread the disease through serial rape.**

99. The Congolese population will continue to suffer the devastating effects of the war long after it is over. Apart from Aids, it is regrettable to note the re-emergence of several diseases previously almost eradicated. They include syphilis, tuberculosis and measles.

100. Lack of drinking water is one of the main causes of the re-emergence of diseases such as cholera, diarrhoea, amoebiasis and dysentery. Other diseases have also made an appearance, including meningitis, malaria, trypanosomiasis, whooping cough and neonatal tetanus.

3.3.2. Disablement caused by the war

101. Those who have been mutilated by the war also suffer, in addition to material loss and physical injury, obvious moral and psychological damage.

102. According to the 2000 Report of the International Rescue Committee, deaths caused by weapons represent around 11 per cent of the total.
The number of injuries caused by the war is 990 000, at a cost of $ 247 600 000. It is estimated that there are three injured persons for every death in the war zones.
As to the mental scars (rape, violence, stress, etc.), 5 per cent of the population requires psychological help (estimated direct and indirect cost $500 per person) and 36 per cent have less serious symptoms ($100 per person). The total cost of treating all forms of disablement is 4 852 500 000 dollars.

3.4. The socio-economic effects of the war

3.4.1. Health

103. The destruction of health facilities and absence of safe working conditions have led medical staff to abandon many rural areas. People are reverting to traditional medicine and women are giving birth at home. The result is a rise in maternal and child deaths and the emergence of neonatal tetanus.

104. The virtual abandonment of care for the sick has led to many deaths from diseases such as malaria, typhoid and sleeping sickness. The forces of the aggressor countries have wilfully destroyed hospitals and looted their equipment.

105. Reports by ECC Kisangani, the South Kivu Collective of Young People's Organizations and Associations (COJESKI), the National Campaign for a Lasting Peace (CNPD) and the Observatory for Peace in the African Great Lakes Region (OCPAGL) record the destruction and looting of hospitals and health centres, principally at: Kisangani, Kasongo, Lusangi, Kalima, Kampene, Kindu, Muenga, Bunyakiri, Walikale, Lemera, Shabunda and Masisi.

106. One third of health sector facilities have been looted or damaged:
- a) Hospitals: 133;
- b) Health centres: 1 176;
- c) Teaching establishments: 51;
- d) Pharmacies: 1 746;
- e) Stores: 78;
- f) Medical laboratories: 131;
- g) Centres for the disabled: 36.

106a. The total replacement cost will be $ 85 367 797.

107. According to a survey published by Médecins sans Frontières in December 1999, over 100 of the country's 306 health districts had been abandoned. MSF also revealed that between 65% and 84% of births had taken place away from health facilities or without the assistance of a qualified midwife. Thus, the 1995 maternal mortality rate of 870 per 100 000 live births had almost doubled by 1999 to 1837 per 100 000 live births in government-controlled areas; in the occupied provinces it was 3 000 per 100 000 live births. The average for Africa was 617 per 100 000 live births.

108. The main consequence of this wilful destruction is that the population has been abandoned to its fate. Hence the reversion to traditional medicine and self-healing.

109. Turning to mortality, inquiries conducted in the east of the country in April 2001 by the International Rescue Committee show that, during the first 33 months of the conflicts, the additional deaths attributable to the war numbered 2 507 606, of which 34% were children aged under five and the remainder persons aged over five.
These figures do not include the provinces of Equateur, the two Kasais, Bas-Congo and Bandundu, for which the same organization had already calculated a total of 1 million deaths by May 2000.

110. Human Rights Watch, the International Crisis Group, the International Rescue Committee and the Ministry for Human Rights all agree that the number of deaths caused directly or indirectly by the war is 3 500 000.

111. Four years of continual war have had a terrible effect on the nutritional status of the population, particularly women and children. PNLS/RCD estimates that 30-50% of women and children are malnourished.

112. The number of children aged under five suffering from malnutrition is estimated to be 7 650 000. The gravity of the situation is shown by the following statistics:

a) severely retarded growth: 57% of children aged under 5;
b) acute malnutrition: 13%
c) anaemia: 605 of pregnant women and 55% of children aged under 5:
d) micronutrient deficiency (iron and vitamin A): ± 60%.

113. Ms. MacAskie, the emergency assistance co-ordinator, confirmed these data in her report to the Security Council on 28 November 2000. She estimated that 16 million people were threatened by famine resulting from the war.

114. The Democratic Republic of the Congo is satisfied with its share of the humanitarian assistance granted to countries by the Bretton Woods institutions.

115. The international community is asked to provide further assistance for the Democratic Republic of the Congo in the following areas:

a) guaranteeing food safety;

b) strengthening its capacity to care for people suffering from malnutrition;
c) tackling poverty.

3.4.2. Education

116. In 1995, the full-time school attendance rate was 58.5 per cent (boys 62.4%, girls 54.6%).

117. Education has suffered the same kind of infrastructural damage as the country's other social sectors. UNICEF has shown how the 1984 school attendance rate of 71% fell to 50% in 1995 and 31% in 1999.

118. Nowadays, only children whose parents can pay go to school. Teachers receive no salary but are paid in kind by the families. A vast amount of schooling has been lost. These developments are a logical consequence of the destruction of family and social life.

119. Moreover, since the war of aggression started, child labour has been on the increase, especially in mines where gold and diamonds are extracted.

3.4.3. Poverty

120. Already ailing, the Congolese economy is now in steep decline because of the war. Growth in GDP dropped from + 0.7% in 1995 to - 3.7% in 1998 and - 11.45 in 2000. The level of GDP per inhabitant stood at $110.5 in 1995, then $90.1 in 1998 and $68.3 in 2000.

120a. The majority of the Congolese population lives on less than one dollar per day, well below the poverty level; in 1997 the basket of goods needed for a family of six cost $622 dollars per month, or around $20 per day.

121. The correspondents of OKAPI Radio and MONUC describe daily how living conditions have declined in the areas occupied by rebels and the armed forces of Rwanda, Uganda and Burundi.

122. According to OKAPI Radio, women are living in utter destitution and fear of being used shamelessly. This level of poverty has also given rise to malnutrition and to reduced life expectancy: 53 years before the war and 45 years now.

3.4.4. Employment

123. The salaried workforce in 1997 was 981 000, out of an estimated population of 47.1 million and a total labour force numbering 21 327 000. In 2000, out of a population now estimated at 52.1 million, the salaried workforce represented 2 per cent of the total population and 8 per cent of the total labour force. Almost 20 million people of working age do no work in the modern sense because of the war.

124. On the basis of the information just provided, the Government of the Democratic Republic of the Congo wishes to emphasize the following:

3.5. The political dimension

125. In line with the aggressors' prime objective, as described above, of exploiting the natural resources under Congolese soil, the people of the occupied zones are being forced to work in mines, where the conditions are sub-human and they are exposed to diseases and all manner of humiliation, often resulting in death.

126. The illegal exploitation of the country's resources brings no benefit whatsoever to the population. Every kind of infrastructure has been wilfully destroyed or looted: schools, hospitals, churches, health centres, roads and others.

3.6. The economic dimension

127. The country's economic fabric has been severely eroded. Most businesses have ceased trading. The plantations previously run by major concerns such as UNILEVER, MARSAVCO and Plantations de Café have been taken over. SOTEXKI at Kisangani has ceased production and laid off 4 000 workers.

127a. The main consequence is that a large part of the population is in forced unemployment, with many companies obliged to dismiss employees, send them on unpaid leave, or simply close down. All public enterprises are now so many lame ducks.

128. Abandoned to unemployment, parents can no longer look after the upbringing of their children, who turn to crime. The Congolese population is now living at subsistence level. As the country has been in the high-risk category for a number of years, most major investors have gone, depriving it of the resources needed to boost employment and restart the economy.

3.7. The humanitarian dimension

129. The war in the Democratic Republic of the Congo is a veritable humanitarian disaster. The looting and illegal exploitation of the country's wealth has been accompanied by massacres, summary executions, acts of violence, the displacement of populations, the exploitation of children and prisoners, and violence against vulnerable people (women and children). The deaths have left Congolese society with the problem of looking after many orphaned, widowed and disabled people.

130. The displacement of populations during the war poses the problem of how to shelter and rehabilitate over 2.1 million people, look after solitary children and bring together divided families. After the war, the displaced will have to be returned to their places of origin. Farmers will require transportation, tools, seeds and provisions, and micro-credits will have to be made available to all citizens.

3.7.1. Massacres and human rights violations

131. From 2 August 1998 to February 2002, several massacres of civilians were recorded. They were linked to terrorist acts carried out in villages by mafia-type military groups. In every case, inoffensive civilians were the main victims.

1. Large-scale massacres

South Kivu

132. These massacres occurred in various places and under different circumstances. They include the following:

Bukavu

a) On 3 August 1998, at around 4 p.m., 38 officers and some one hundred soldiers of the Congolese army were disarmed and killed at Kavumu airport.
b) On 19 January 2000, 16 women were massacred in the town of Bukavu.

Mwenga territory

c) From 23 to 24 August 1998, over 1 200 people were massacred at Kasika and Kilungutwe in the chieftainship of Lwindi and in Mwenga territory, both in South Kivu.
d) The bodies found strewn over a distance of 60 km were mainly those of defenceless women and children.
e) From 13 to 15 September 1998, under the codename "Operation cleanse Mwenga", women, children, elderly people and adults were butchered in cowardly fashion on the pretext that they were relatives or allies of Mayi-Mayi resistance members. 115 were killed.
f) At Kilungutwe, 127 people were killed in similar circumstances on 24 April 1998.
g) At Mushinga, Kigulube, Burhale and Nindja, 134 people were killed on 1 September 1999 by troops of the RPA and the RCD.
h) Between 15 and 22 November 1999, 15 women were buried alive by the Rwandan army in Mwenga, South Kivu, in acts designed to instil terror in the population. Independent sources have confirmed this massacre: Human Rights Watch, the United Nations Special Rapporteur on the Human Rights Situation in the Democratic Republic of the Congo, and the Secretary-General of the United Nations (Security Council report S/2000/330 of 18 April 2000, para 61).
i) The names of these 15 women are:

- Bitondo Evelyne (village of Bulindji);
- Mbilizi Musombwa (village of Bulindji);
- Safi Christine (village of Bulindji);
- Kungwa Agnès (village of Bulindji);
- Nakusu Nakigime Monique (village of Bulindji);

- Tabu Wakenge (village of Ilinda);
- Nyassa Kasandule (village of Ilinda);
- Mapendo Mutita (village of Ilinda);
- Bukumbu (village of Ilinda);
- Wife of Musami Kisali;
- Mme Sifa;
- Mme Mukoto;
- Mukunda (village of Bangombe);
- Mbilizi Kiandundu (village of Ngando);
- Unidentified person.

j) Massacres orchestrated by Rwandan troops occurred on 23 April at Mwenga in South Kivu. Many people, including seven pregnant women removed from the Ilangi medical centre, were killed and their bodies thrown into the river Ulindi so as to cover up the crime and escape the attention of human rights organizations.

In Uvira territory

a) From 21 to 22 December 1998, 326 bodies were pulled out of the river Rushima not far from Luberizi, 547 bodies were found buried in ditches at Buegera, 138 bodies were discovered in graves at Luvungi, and 23 bodies were found at Lemera near the river Nyaboronko.
b) From 30 to 31 December 1998, the civilian population of Makobola suffered massacres on the orders of Bizima Karaha, from his base in Uvira. The final total was 818 deaths, not including the victims found later in the bush and in watercourses.
c) Other massacres were committed in Fizi territory, particularly at Lusenda-Lubumba, where several hundred were killed by the same RPA and RCD troops.
d) In May 2000, independent sources such as the Misna agency, ASADHO (African Association for the Protection of Human Rights) and COJESKI confirmed that civilians had been massacred at Katogota, in reprisal for the death on May 14 of Commander Rugaza, shot dead during an attack on the shopkeeper's truck in which he was travelling. The ASADHO report of 30 May 2000 provides a list of the victims, who included whole families as well as individual men, women and children.

2. Human rights violations in Maniema

133. In its first report, the Government of the Democratic Republic of the Congo highlighted the illegal exploitation of coltan and cassiterite at Maniema by Rwandans in complicity with the RCD/Goma authorities. This second report will devote several pages to human rights violations in Maniema. It will be recalled that paragraphs 250-252 of the report by the National Commission of Experts addressed the forced movement of villagers after their homes were burnt, in Kasongo territory only.

134. The report provided by the Maniema delegation to the National Conference on Human Rights held in Kinshasa in June 2001 and the various reports submitted by the Association for the Protection of Children's Rights (ADDE), based at Kindu, in Maniema,

have revealed repeated cases of human rights violations in this RDC province, which is occupied by Rwandan forces and RCD/Goma troops who come into regular combat with Mayi-Mayi forces.

134a. The main types of violation are as follows:

- arbitrary arrests	- massacres
- physical and mental torture	- torching of villages
- rape	- constraints on freedom of expression
- summary executions	- forced enlistment of children.

135. This report presents a sample of cases to give some sense of the inhuman and degrading treatment being borne in silence by the people of this cut-off province.

- **Arbitrary arrests**

136. Examples follow:

137. In November 1998, Mr. Lunga Kikwaya, head of the former SOMINKI company in the Kasese sector of Punia territory, was beaten severely by a commander called "Chance", on the orders of Lieutenant Wilson, a Rwandan commander who subsequently became a captain in 2000. The victim was forced to release the company's stock of 800 kg of coltan for which he was responsible. After being freed, the victim was admitted to hospital for treatment.

In 1999

138. In July 1999, Mr Sompo and Mr Rashidi, respectively senior manager at the Saulia centre and manager at the Tshamaka centre of the former SOMINKI, were badly beaten, again on the orders of Commander Wilson, acting in collusion with the two deputy governors of the time: Mr Kasongo, in charge of the economy, and Mr Abedi, in charge of administration. The victims were made to release 35 tonnes of cassiterite belonging to the company, which they were guarding.

139. Following a formal complaint by Mr Victor Ngezayo, the head of RMA, a company subrogated to SOMINKI and then to SOMICO, the two unfortunates were dismissed, while those who ordered the operation went free.

In 2000

140. On 20 January 2000 at Kindu, the administrative centre of the province, nine people were arrested and thrown into cells at the provincial office of security and information (DSR) of RCD-Goma, from where they did not emerge until 17 April 2000. The victims included Tambwe Mawazo, Zakuani Useni, Musombwa Olivier, Kininga Mwanvua, Asumani Amisi, Annie Bendera and Kabemaba [...]. They were accused of

being Kabila sympathisers and of distributing ideological material in secret for the AFDL. The arrests were ordered by Lukompa Raphael, on behalf of governor Nestor Kiyimbi. The nine victims were subjected to inhuman and degrading treatment throughout their time in the cells.

141. On 23 January 2000, Mr Lambert Konga Kanape was arrested in Kindu by men in the service of Bizima Karaha and taken to Goma for questioning. He was accused of instilling AFDL ideology and plotting a popular uprising against the RCD. He was then transferred with Sheik Faray Assumani to Kigali, where they were held in a museum containing the skeletons of victims of the 1994 "genocide". They were later released and allowed to return to Goma, where they were forbidden to go out without prior permission from the security section of RCD/Goma.

142. On 18 March 2000, Lambert Konga Kanape was again arrested and held in the high-security cells at Goma. These were renowned for the atrocities inflicted on the inmates. There he was regularly beaten with sticks and clubs, and threatened with death, before being released on 7 July 2000 for lack of evidence.

In 2001

143. In February 2001 Mr Medard, a coltan trader from South Kivu, was arrested in Punia by Rwandan soldiers answerable to Major Sam and confined for a week to a hole in the ground which was covered with palm leaves, but otherwise open to the elements. The reason - the Rwandan authorities had decided that, as the largest buyer of coltan in the area, Mr Medard was competing unfairly with them. His release was conditional upon his leaving the area for good.

144. On 10 July 2001 at Felekeni, a part of Punia, the nurse in charge of the Felekeni health centre, Mr Jean Kibuka, was arrested and thrown into jail under threat of death by Commander Kabasele, whose task was to eliminate people targeted by the RCD and the Rwandan army.

145. He was accused of being in contact with Mayi-Mayi forces. In fact, the real problem was that the commander coveted his wife. Incensed that his adventure was going nowhere, the executioner decided to throw the victim's wife and three children, including a baby, into the same jail for 48 hours.

146. On 14 July 2001 at Punia, Marcel Opombo, a trader well known under the name of Zunguluke, was arrested and thrown into the same underground prison as his colleague Medard had experienced in February. He was exposed to the elements for 72 hours, simply for having refused to sell beer on credit to Rwandan soldiers on the grounds that they never paid their debts. The reason given by Commander Wilson was sabotage against the RCD military authorities. The victim remained intransigent until his release, despite many threats and terrible conditions under which he was deprived of visits and food.

In 2002

147. On 8 February 2002 Mr Katunga, a dealer and peaceful citizen of Kindu, was arrested by the DSR/Kibombo at Lowe, a place near Kibombo, administrative centre of the territory of the same name, and thrown into jail. He had gone to Lowe to exchange some of his goods for manioc and rice to take to Kindu. Arrested and detained at the express order of the territory's administrator, Mr Kanyombe, the victim suffered frenzied attacks with sticks morning, noon and night - the equivalent, according to his guards, of the "three meals a day everyone should have". In the morning, he was beaten as he lay flat on grass wet with dew. Someone sat on his back. He was flogged along his entire body, particularly his feet, while his assailants invited him, with sadistic irony, to disappear by magic as Mayi-Mayi were supposed to.

148. Reason : Suspected of having come to find supplies and recruit young fighters for the Mayi-Mayi. After each beating, administered by Congolese soldiers and police, every part of the victim's body bled.
After nine days of this treatment, the victim's life was saved by a personal telephone call from the deputy-governor for administration, Mr Ngongo Putshu, whose wife had been a childhood friend of the victim's wife. Left with no other option, Mr Katunga fled Maniema on 30 March 2002 and now lives in Kinshasa.

- **Rape**

149. Women and girls were raped regularly by men in uniform. At a riverside site 75 km along the road from Kindu to Kalima, a woman and her child were killed because she had refused a soldier's attempts to rape her.
At Kama in Pangi territory, six soldiers raped a girl of 14 in broad daylight; at Kibombo in the same territory, two women were raped publicly by a group of soldiers. Many similar cases have been recorded elsewhere.

150. A case that must be given prominence is that involving a family of seven, including a pregnant woman and twelve-year-old child, which was wiped out by RCD soldiers 11 km along the road from Kindu to Kasongo. They were buried in a common grave.

- **Summary executions**

151. On Saturday 5 January 2002, following clashes between Mayi-Mayi forces and the RCD and its allies, a wide-ranging search operation was mounted. In the course of the operation Rwandan soldiers shot dead Mr Pierre Mbakule, a teacher at the Kasuku Institute, in the Basoko district of Kasuku commune, and his wife Machozi Munenge in front of their two children, at the home of the district's chief. On the same occasion, two of the chief's children had their throats cut.

- **Massacres**

152. Contrary to what might be imagined, Maniema was not spared the massacres. An example is the deliberate fire that killed 13 people at Kabambare, administrative centre of the territory of the same name. Those burned alive were Makambo Byamungu, Marisho Luhembwe, Kavambo Yohali, Musuyu Roger, Mbenga Makutubu and her four children, Maman Mapanda, the wife of pastor Kimbanguiste, and two others not identified.

153. In Kibombo territory, as a reprisal for the recapture of Kibombo town, RCD forces massacred the population of Lokenye. At Kitambo, in the same territory, the victims included district head Pene Mulamba, who was severely mutilated.

154. In Kailo teritory, Mr Louis Garce, a trader, was beaten to death by soldiers on suspicion of having harboured weapons. At Olangate, a person by the name of Papy was cruelly mutilated and forced to eat parts of his body as they were torn off.

155. Finally, there is the massacre which occurred 23 km along the Kasongo road; many people were killed, their houses torched and their goods looted.

- **House torchings**

156. During operations conducted in every territory in the province, many villages were burned down. In Kabambare territory alone the following places were destroyed: Muzalimoya, Maniema, Nonda, Mulubalungu, Mukangila, Vumba, Malota, Kalivumba, Ndundundu, Luhayi, Alinguzo, Musongela, Mwamadi, Kahuma, Buledi, Mupapayi, Sombe, and others.

156a. In Kasongo territory, 350 houses at Kipaka were burnt down in reprisal by RCD-Goma troops. The same happened at Bitule in Lubutu territory, Kasese in Punia territory and at Babene and Ikama in Pangi territory. All these situations resulted from clashes between soldiers and Mayi-Mayi groups. The local population always pays the price.

- **Obstacles to free expression**

157. Fundamental freedoms, especially those of expression, assembly, movement and opinion, are not respected. This is shown by the number of press conferences and discussions, organized by human rights and other peaceful associations, which have had to be stopped after the local authorities deployed heavily armed soldiers in uniform.

158. The leaders of human rights associations are constantly subjected to intimidation and harassment.

159. The leaders of ASADHO-Maniema and ADDE were on several occasions browbeaten at the provincial office of security and information (DSR) for having organized a discussion on the topic "War and its consequences for a state", which was judged to be hyper-sensitive and revolutionary.

Katanga Province

160.

a) On the night of 31 December 1998, the inhabitants of Kasala were locked up in five houses and sprinkled with petrol. During the blaze, 41 men, women and children were burned alive. Only a little girl called Banza survived, but with burns to her whole body.

b) In August 1999, 200 peoples had their throats cut in Kongolo territory and 188 were massacred at Kimbumbu. Another 50 were killed at Nonge.

c) On the night of 29 December 1999, Rwandan troops forced defenceless people out of their homes and burned them alive in a church at Kala, in Malemba-Nkulu commune, near Mulongo in North Katanga.

d) In May 2000, 54 Congolese were massacred at Kongolo.

Orientale Province

161. Three confrontations between Rwandan and Ugandan soldiers at Kisangani in August 1999, May 2000 and from 5 to 10 June 2000 left hundreds dead and thousands injured among the civilian population. By Wednesday 7 June, the International Committee of the Red Cross had counted over 50 dead and a hundred injured. MONUC reported that the heavy armament used in these clashes had caused "enormous damage" to the town. The Special Rapporteur on the Human Rights Situation in the Democratic Republic of the Congo investigated these events and estimated the number of deaths at over 1 000.

162. The RPA and the RCD continue to carry out such massacres and killings as a means of instilling terror into the population and weakening its resistance.

163. The latest massacres in the town of Kisangani date from 14 May 2002. RCD-Goma troops supported by Rwandan forces massacred over 250 people and destroyed major elements of the socio-economic infrastructure. These killings were confirmed by a team sent to Kisangani by the Office of the United Nations High Commissioner for Human Rights. The Security Council passed resolutions, including one requesting RCD-Goma to condemn the perpetrators of these massacres. As usual when a resolution is favourable to the Congolese people, it was ignored.

North Kivu Province

164. Many "ethnic cleansing" operations have been carried out, a notable example being the RPA's looting, burning and massacre of entire villages in Masisi and Walikale. Rwandans have been brought in to replace populations more or less everywhere in Kivu.

3.7.2. Rape and sexual violence against women

165. Amnesty International, in its report of June 2001 entitled "Torture and weapons of war used against unarmed civilians", notes that "rape, in particular that of girls and women of all ages, is used on a wide scale as a weapon of war by armed opposition groups and foreign armies in several regions of the Democratic Republic of the Congo, especially in the east".

166. It continues, "Women and girls of all ages are the main victims of this form of violence. Armed groups rape them to take revenge on the men who oppose them, and to flaunt their military superiority over rivals who are thus shown to be incapable of protecting their womenfolk. The rape is accompanied by acts of torture, such as the insertion of hot peppers into the vagina after a collective rape, or the firing of bullets into the vagina."

167. These facts have been confirmed in the following terms by the Special Rapporteur on the Human Rights Situation in the Democratic Republic of the Congo: "*Several sources have commented on the link between the presence of armed troops... and grave human rights violations including... the systematic rape of women and girls, leading to the spread of sexually transmitted diseases among Congolese women living in territories occupied by rebel armed forces and their foreign allies. There remains an atmosphere of terror in the areas under rebel control... The use of sexual violence as a weapon of war places women and children in an even more vulnerable situation.*"

168. The sample of cases given below conveys some sense of what is happening.

169. On the evening of 2 August 1998 at Uvira, two young sisters selling beer were raped by RPA soldiers before being riddled with bullets.

170. At the same time and place, a female employee of UNHCR/Uvira called Esperance Masange, wife of Judge Bwebwe of Uvira county court, was raped in front of her husband and children.

171. Miss Liliane, an employee of UNHCR/Uvira, was killed in cowardly fashion after being raped at Nyamianda (Uvira) on the night of 28 August 1998.

172. At 11 p.m. on 22 September 1998, at no. 3, avenue du Kasai, Ibanda commune, Bukavu, Mr Mutewa watched helpless as his wife and their two daughters, Riziki aged 16 and Machozi aged 14, were raped by Rwandan soldiers.

173. On 25 September 1998, in avenue Mbaki, again at Bukavu, five girls were raped by RPA soldiers. They were Anice Mabanze (22), her sister Yvonne (19), Annie Luko, Miss Masika and Miss Faida.

174. On Monday 5 October 1998, a group of girls was kidnapped by Rwandan soldiers and held at the SAIO military camp in Bukavu before being raped. The victims included Miss Sylvie Ninandango and Jeanne Rwankula.

175. Human Rights Watch, in its report of 16 May 2000 entitled "Murder and repression in eastern Congo", denounced the wide-scale killing and rape being committed against civilians by the Rwandan army and its allies from the eastern Congo.

176. With particular reference to sexual violence, Human Rights Watch reported that "in the eastern Congo, rape and sexual violence have become more and more common as the conflict has become more brutal."

177. A group of women's rights supporters mentioned in the report had documented 115 rapes committed between April and July 1999 in the Katana and Kalehe regions of South Kivu.

178. According to some reports, thousands of Rwandan soldiers with Aids or HIV are being sent to the front in Orientale Province for the express purpose of raping Congolese women and girls and spreading disease, as a means of reducing the population.

179. Many other cases of rape have been recorded, notably those on 29 August 1998 at Kasika and on 22 September 1998 at Bukavu.
In August 1999 at Sola, married and unmarried women were raped, and even a number of girls aged from 6 to 14, some of whom died.

180. On 23 September 1999, women were raped in the territory of Walikale.

181. On 8 October 1999, very young girls were raped at Kimalala and Kapondo.

182. On 25 November 1999, 10 women were raped by Rwandan soldiers in a village 12 km from Kabinda.

183. It often happens that a woman is raped by groups of ten or more men. Some women are taken away to be used as sex slaves.

184. The Special Rapporteur has received many reports of rapes committed at Kabamba. Some women were raped with batons; others were buried alive.

185. The number of people suffering from mental or neurological problems increases constantly because of the war, especially among displaced people, women who have been raped or contaminated by HIV/Aids, and children.

3.7.3. Killings and abductions of political figures and human rights activists

186. There have been many of these.

187. The terrorist Kigali government that has asserted its de facto authority in these territories crushes every claim or challenge, and does not balk at the physical elimination of rivals. Mr Roberto Garreton, Special Rapporteur on the Human Rights Situation in the Democratic Republic of the Congo, writes, in his report to the 57th session of the Commission on Human Rights, that "in the eastern regions occupied by the so-called "rebel" or "aggressor" forces, the armed forces of Rwanda, Uganda and Burundi, as well as the RCD, continue to enforce a climate of terror".

188. He continues, "As in previous years, the local population has been subjected to massacres and other atrocities. Foreign soldiers operate with impunity. Many people have died under torture. Individual freedom has been violated. Throughout the year, many NGO activists have been threatened or detained. There are no independent mass media. "Incitement to genocide" is the term used to qualify any disagreement or opposition".

189. That opinion was endorsed by the new Special Rapporteur, Ms Julia Motoc, in her oral report to the 58th session.

190. Recently in Kisangani over 250 people were killed by Rwandan soldiers and RCD-Goma rebels. Human rights activists and other more prominent figures in civil society were hunted down by the security service of RCD-Goma. They included Dr Abisa Bokanga, Laurent Kenge, Dismas Kitenge, Firmin Yangambi (Co-ordinator of the Kisangani group for Peace), Father Zénon Cendeke, Father Zabalo, Abbot Mathieu Libuale and Abbot Jean-Pierre Badidike.

3.7.4. Arbitrary arrest and detention, inhuman and degrading treatment

191. On 8 August 1998, at Bukavu, there began the deportation of the civilian population to concentration camps in Rwanda, accompanied by massacres and summary executions.

192. The Special Rapporteur, Mr Roberto Garreton, stated in his above-mentioned report that many operations involving the transfer of Congolese to Rwanda, and perhaps even more to Uganda, had been brought to his attention.

193. In the first three months of fighting, at least 178 people were subjected to arbitrary imprisonment in South Kivu and North Kivu, particularly in the above-mentioned "mad dog" DSR facility at Goma. As the Rwandans and their allies conquered more territories, the same trend was repeated.

3.8. Growth in inter-ethnic conflict

194. As already described in our report of November 2001, the Ugandan army and RCD-ML rebels continue to foment inter-ethnic conflicts in the Ituri district between the Lendu and Hema peoples, and even among the Lendu themselves. This fighting always leads to deaths and large-scale displacement among the population. The constant cycle of fighting has now reached spectacular proportions, affecting every one of Ituri's minorities not involved when the war started. Several sources agree that over 25 000 people have been slain since June 1999, including 20 000 in Djugu territory alone, not to mention the numbers of injured left without appropriate care. To these can be added the 1 000 who died in Aru teritory, victims of what Uganda calls "the elimination of sorcerers" among the Lugbara people.

195. The numbers of displaced or homeless people are provisionally estimated to be 600 000, of whom around 300 000 are confined in subhuman conditions in the town of Bunia. Several hundred villages containing around 50 000 homes have been burnt down.

196. The international community has so far raised only a timid voice asking Uganda to put a stop to this situation.

CONCLUSION

197. The war of aggression organized and perpetrated by Rwanda, Uganda and Burundi, with the complicity of the rebel RCD and MLC movements, constitutes a humanitarian disaster that Africa has not witnessed in the years of independence: over 3.5 million dead, another 2.5 million displaced by the war, around 500 000 refugees and more than 15 000 child soldiers. The educational and health systems have been deliberately destroyed.

CHAPTER 4: ENVIRONMENTAL AND INFRASTRUCTURAL DAMAGE

198. The Congolese forest, a tropical area of rich diversity extending over 125 million hectares, constitutes an important plant resource for the country and is home to a great many animal species. As well contributing much to the nation's diet and health, the forest abounds in rare or disappearing kinds of plant and animal. These require special protection.

199. Ten protected areas have been constructed in the forest, comprising parks and zoological or botanical reserves. Almost 40 million Congolese depend directly on the forest for food, health and housing requirements. Twenty million live less directly and permanently off its resources. In addition, the rural Congolese environment offers a wealth of farming land, and its lakes and rivers contain the best fish stocks in the entire Great Lakes region.

200. Unfortunately, the war of aggression being waged jointly by Rwanda, Uganda and Burundi has left nothing alive in its wake. Looting and the destructive effects of the war have combined to strip bare the country's natural and man-made environments.

201. No moral standard or legal instrument relating to environmental protection has been able to safeguard the various resources. The rebels and aggressors have destroyed and looted the natural resources of the Democratic Republic of the Congo unceasingly, and in ever more damaging ways. The national parks of Virunga, Kahuzi-biega and Maiko, and the zoological and botanical reserves have been emptied or depleted of species, their infrastructures destroyed or looted. The great forests of Equateur and Orientale provinces are ruined, their wood exploited and exported for illegal profit.

202. All this deliberate damage to the Congolese flora and fauna has had a negative impact on the country's environment, and also on the regional ecosystem. The forest has been the main battlefield, and the ruination of its fields and plantations has subjected the population to famine and forced it to flee. What has happened is nothing less than ecocide.

203. Why have the world's ecologists closed their eyes to this catastrophe?

203a. The urban centres whose basic supplies came from the now deforested rural areas have been deprived of their staple foods. Kinshasa and other towns no longer receive meat products from the east of the country, the farms having been emptied of livestock by the rebels and aggressors. The Congolese people's prospects for the immediate future are grim; famine, drought, flight from the country and overpopulation in the towns. In the medium term, they must face the effects of desertification and erosion.

Section 1: Depletion of plant and tree varieties

204. At first, political and security concerns were advanced as the pretext for the war of aggression. Subsequently, both were supplanted by an economic imperative

characterised by looting that has left no part of the environment untouched. The country's flora and fauna have been exploited by the aggressor countries and exported by them for profits that are used to continue the war.

1. Deforestation and land clearance

205. Since the Stockholm Conference of 1972, the management and exploitation of forests have been governed by one major principle: sustainability. This concept, reaffirmed by the Rio Conference in 1992, was already implicit in the Decree of 14 April 1949 concerning the forestry regulations of the Belgian Congo. Reforestation is the key to sustainable forest management, for two reasons: growth and viability for future generations.

206. The Congolese forest has some of the world's finest tropical tree varieties, including libenge, Kambala and wenge.

207. Many parts of the forest have been devastated by war or exploited to make wood products. Under these conditions there can be no reforestation to restore the losses. The reckless destruction of the Congolese forest is a loss to all mankind. The fact that rare varieties have been deliberately selected not only generates a shortfall in the finances of the Democratic Republic of the Congo - it also destroys the balance of a whole ecosystem.

2. Depletion of wildlife

208. The protected areas located in the provinces occupied by the aggressors (Virunga, Kahuzi-Bieag, Garamba, the okapi reserve at Epulu, the Kisangani zoological reserve, etc.) have not escaped the looting and destruction.

209. The Rwandans, Ugandans and Burundians have removed the animals, either to stock existing or new national parks or to exploit them for food or products. There has been a steep decline in the numbers of animals in these areas. For example, by 2001 the elephants and gorillas of Kahuzi-Biega had been reduced from 300 to 2 (two) and from 258 to 130 respectively. In a criminal act carried out by the men of General James Kazini, the 40 okapi in the Epulu reserve were removed to Mbarara in Uganda. Poaching by the invading troops has emptied the forests, protected areas and national parks.

Section 2: Measures to protect rare species of animal

210. For scientific and cultural reasons, species that are rare or threatened with extinction must be protected.
There are specific international laws to address these concerns; UNESCO is responsible for their application.

211. With total disregard for the law or any other authority, the rebels and the aggressors have set about exterminating these rare species, particularly the okapi, the

white rhinoceros and the mountain gorilla. These acts constitute an enormous loss for the Democratic Republic of the Congo and the world.

212. UNESCO must devote itself to recovering all the illegally exported species and returning them to their original surroundings in Congolese parks and reserves.

Section 3: Desertification and erosion

213. The failure to apply a reforestation policy in the occupied provinces, together with over-use of its resources and further deterioration resulting from the chemicals used in mining areas, have either destroyed arable land or rendered it unproductive.

214. Pursuant to the Convention to Combat Desertification of 17 June 1994 and the International Tropical Timber Agreement of 18 November 1983, as renewed on 26 January 1994, an immediate end must be put to this reckless exploitation if we are not to see another Ethiopia.

Section 4: Malnutrition, flight from the countryside and urban overcrowding

215. Drought is giving to way to famine. As a result, numbers of displaced people and refugees are growing and malnutrition is setting in; people's hold on life is becoming more tenuous and child deaths are on the increase.

216. In response to the deforestation and the sterility of their land, people are leaving the rural areas for the towns that have been spared. However, these rural areas were the main producers of food for the towns; for example, the Equateur and Orientale provinces have always supplied basic foods to Kinshasa. On 2 August 1998, all such trade ceased. Faced with enormous infrastructural problems, the towns cannot cope with the floods of people turning to them for a safe haven. The numbers now concentrated in the larger urban centres are becoming difficult to manage.

Section 5: Disintegration of the economy

217. One of the grave consequences of the environmental destruction wrought by the rebels and aggressors has been the disintegration of the national economy. It will be recalled that, apart from the export of mineral ores, the mainstay of the Congolese economy used to be the export of timber, either as lumber, cut lengths, veneers or plywood. Most forestry concessions were located in Orientale and Equateur provinces, which have since been occupied. All Congolese wood products are now exported by Rwanda and Uganda - none benefit the Democratic Republic of the Congo.

Section 6: Disappearance of the tourist industry

218. Protected areas such as the national parks and zoological and botanical reserves were cultural and scientific centres that attracted a constant flow of tourists, bringing in millions of dollars annually to the Congolese economy.

218a. This income made a small but significant contribution to the national budget. Again, since 2 August 1998 the Treasury has received no income from tourism.

CONCLUSION

219. For ecological, socio-economic, climatic, nutritional, humanitarian and health reasons, the destruction of the Congolese natural environment is a challenge to the whole world. In accordance with the principle that an attack on the environment in one state has repercussions on other states and beyond into the international arena, the Congolese environment needs to be restored, rehabilitated and safeguarded.

CHAPTER 5: CRIMINAL ACTORS IN THE FOREIGN WAR OF OCCUPATION

220. The war in the Democratic Republic of the Congo has been marked by the illegal exploitation and wide-scale looting of the country's natural resources and other forms of wealth by mafia-type military and commercial networks, which have committed crimes in the economic, humanitarian and environmental spheres.

221. Moreover, mining concerns classified as "youngl" by Eric Kennes in his book, "Les secteurs miniers au Congo: Déconnexion et descente aux enfers", have used such networks to recover what they had lost after their contracts were cancelled by the government of President Laurent-Désiré Kabila. They include Banro-Resources Corp. and AMFI.

222. The public prosecutor of Antwerp, quoted by Belgian senators in their report of December 8 1998 on crime in the diamond industry, defines the organized crime as "the systematic committal of offences to a significant level with the aim of obtaining profit or power, to which ends one or several persons supply technical or legal assistance over a certain period. Changes have already been introduced, with tasks being distributed and commercial organizations being used, so that influence is brought to bear on those in political life, the mass media, public administration, the law and the economy."

223. This definition fits the mafia-type practices being used by the military and commercial networks that are spreading their tentacles throughout the Great Lakes region and central Africa, mainly in Uganda, Sudan, Kenya, Tanzania, Somalia, Zambia, Congo Brazzaville, Angola and the Central African Republic.

224. The criminalisation of the Congolese economy has been achieved through the following activities:

a) the production of counterfeit money;
b) the laundering of profits from the drug trade ("narco-dollars");
c) arms sales;
d) the looting and exploitation of natural resources;
e) widespread fraudulent dealing in precious substances;
f) unlawful tax gathering by the aggressor countries;
g) illicit trading and smuggling;
h) drug dealing.

225. The perpetrators of these economic crimes operate in both selective and generalised fashion. In the Democratic Republic of the Congo, as in the other countries of the Great Lakes region and central Africa, mafia-style military networks are involved in all crime. They produce counterfeit money, launder drug profits, sell arms and drugs, and exploit and loot natural resources. In addition, they have destabilised people's lives and livelihoods wherever they operate.

226. This report deals with the following networks:

a) Ugandan;
b) Rwandan;
c) Burundian;
d) Indo-Pakistani;
e) Congolese, Lebanese, Jewish and other diamond merchants;
f) Multinational mining companies;
g) Kazakh;
h) The Congolese political and military mafia.

227. In the Democratic Republic of the Congo, the heads of the rebel movements and foreign banks have links to every network.

5.1. The Ugandan network

228. The Ugandan network is headed by the retired general Khaleb Akandwanaho, alias Salim Saleh, half-brother and former military adviser of President Museveni. He has an interest in the Congolese gold and diamond concessions in Orientale Province through his company, Caleb International.

229. **He is involved in the looting of natural resources (gold, diamonds, coffee, wood) and the manufacture of counterfeit 100 Congolese franc and 100 US dollar notes.** His collaborators are General James Kazini, UPDF commander of operations on Congolese territory and "pro-consul" for the territories occupied by the MLC of Jean Pierre Bemba, and by the RCD-ML of Wamba dia Wamba, Mbusa Nyamwisi, Ateenyi Tibasima, and Roger Lumbala's RCD-N. These people also have a hand in the looting and in **sustaining inter-ethnic conflicts**.

230. The following persons are the UPDF commanders in Orientale Province and the remainder of North Kivu under Ugandan control: Colonels Kahinda Otafire, Udongo, Burundi, Mawa, Bulongo and Petu Karim; captains Bukenye, Balikudembe, Kihira, Kalioma, Tsakabale and Lyangombe.

231. General Salim Saleh gained his introduction to the gold "business" through his activities in a company called Branch Energy Uganda, a subsidiary of the mysterious Executive Outcome enterprise with which Sanjivan Ruprah also had connections.

232. Another player in this network is Mme Joviah, the wife of Salim Saleh, who is active in buying gold and diamonds in Orientale Province and in transportation. She founded the Air Alexander transport company which operates between Entebbe and Kisangani.

233. With Muhoozi Kainerugabe, son of President Museveni, and her husband, she founded the Victoria Group, headed by a Lebanese subject named Khalil, and also the Trinity company run by Ateenyi Tibasima.

234. The Victoria Group buys diamonds, gold, coffee and other agricultural products, and manufactures counterfeit money, together with an Indo-Pakistani group working for Khalil headed by Nahim Khanaffer and Abdul Karim in Gbadolite and the Lebanese Mohamed Gasana and Talal in Kisangani.

235. Victor Butt (or Bout), a Russian subject and ex-KGB colonel, ferries arms and rents out his Ilyushin 76 and Antonov 12 aircraft. He is a longstanding partner of Sanjivan Ruprah. He was already operating in the Democratic Republic of the Congo in the Zairean era together with Kongolo Mobutu in Air Excellence and Ngbanda Zamboko, special security adviser to President Mobutu at Pride Africa International (PAI), trading and carrying weapons destined for Jonas Savimbi's UNITA.

236. The Congolese still remember the incident in early 1995 involving an Ilyushin aircraft with Russian crew that failed to take off from Ndolo airport and crashed onto a market in a district of Kinshasa commune, killing 350 people. That flight was heading for Angola on mafia business. Generals Salim Saleh and James Kazini have links with this trafficking through two former generals in the Mobutu regime, Baramoto and Nzimbi, both associates of the group headed by Nahim Khanaffer and Abdul Karim.

237. The Ugandan network described above collaborates with the Indo-Pakistani network in Uganda and Kenya, which specialises in laundering narco-dollars, drug dealing and arms sales. A retired Israeli general, David Agmon, is one of the decision-makers in this process.

5.2. The Rwandan network

238. The Rwandan network is based on the Rwandan Patriotic Front (RPF) and the Rwandan Patriotic Army (RPA) headed by President Paul Kagame and General James Kabarebe.

239. Leading lights in this network are Modeste Makabuza of Jambo Safari, Alfred Khalissa, founder of the Bank of Commerce, Development and Industry, and Tibère Rujigiro, a shareholder in the Tristar Investment Company.

240. The main collaborators in the Rwandan network are:

a) Ali Hussein, brother of Abdul Karim, a trafficker in gold and diamonds at Bukavu;
b) Victor Butt, arms dealer and aircraft owner;
c) Mohamed Ali Salem, director of Global Mineral and aircraft owner;

d) Aziza Kulsum Gulamali, arms dealer, trafficker in gold, colombo-tantalite and cassiterite, smuggler of cigarettes and ivory tusks, and trafficker of counterfeit money;
e) Sanjivan Ruprah of Little Rock Mining.

241. Their henchmen are commanders Dan, Gatete and Kazura, and Emmanuel Kamanzi, former head of the RCD's finance department.

242. Most companies involved in the illegal exploitation of natural resources were set up by influential members of the RPF and the RPA. They include Rwanda Metals, Grands Lacs Metals, Jambo Safari, Air Navette, Tristar Investment Company and SONEX.

243. The Rwandan and foreign banks handling the transactions are the Banque Commerciale de Rwanda, the Banque à la Confiance d'or (BANCOR), the Bank of Commerce, Development and Industry, Belgolaise, Banque Bruxelles Lambert, and City Bank New York.

244. Rwanda is collecting taxes in a sovereign country, the Democratic Republic of the Congo, through the "Congo Desk" of its Department for External Relations.

5.3. The Burundian network

245. The Burundian network is maintained by commercial mafias and by soldiers operating at the front in Uvira and Kalemie. Most of its deals concern gold, coltan, diamonds, wood, coffee and the air-freighting of livestock.

246. The following names have been mentioned:
a) Stanislas Habonimana, hororary Romanian consul, of the Bumingo *comptoir* ;
b) Amédé Bwimbu of the Assyst *comptoir* ;
c) Alain, a Belgian subject, of the Affrimet *comptoir;*
d) Ronert and Hileen Raun, shareholders in Eagles Urings Resources International Congo;
e) A businessman called Buyoya was involved in the transportation of 8 000 cows from Vyura and Moba to Burundi in July 1999.

247. The MOSO sugar company of Burundi, known as SOSUMO, was involved in dismantling the equipment belonging to the Kiliba sugar refinery, a mixed stock company whose shareholders include Mr Ramnik O. Kotecha, a Pakistani subject and honorary United States consul at Bukavu.

248. This important businessman oversees the conclusion of contracts between American companies and dealers in colombo-tantalite. He also deals himself in colombo-tantalite.

5.4. The Indo-Pakistani network

249. Most of the Indo-Pakistani businessmen active in this network have double or triple nationality: their African country of residence, their native country and one other, typically British, Canadian, American or Brazilian. Officially they operate in the food-processing, transport, pharmaceutical and hotel industries as brokers and agents, and in the manufacture of basic products. Their main hub is Kenya, but they are also found in Uganda, Somalia, Tanzania, the Democratic Republic of the Congo, Burundi and elsewhere.

250. Their enterprises include NAKUMATT in Kenya, MKWANO-FRIEND SHEEPS in Uganda, UZABUCO sprl and KOTECHA in the Democratic Republic of the Congo, and Branch Energy in Kenya and Uganda. Most of the Indo-Pakistanis come from Kashmir.

A. SANJIVAN RUPRAH

251. The main actor in this network is an extremely disreputable individual, a Hindu from Tanzania or Kenya who carries British and Liberian passports and specialises in arms sales, the drugs trade, counterfeit money, the laundering of narco-dollars, and the mining and export of gold and diamonds.

252. Sanjivan Ruprah supplies the Somalis with arms in exchange for drugs. The drugs are processed at factories in Nairobi before being exported to London.

253. His collaborator in the arms trade is Victor Butt. Arms are brought to Kenya in containers by NAKUMATT and then transferred to Somalia by a transport company from Nairobi named BAYOUSUF.

254. Sanjivan Ruprah was introduced to the Democratic Republic of the Congo, then Zaire, by Tshimbombo Mukuna, an adviser of President Mobutu, and was soon collaborating with generals Baramoto (commander of the civil guard) and Nzimbi (commander of the special presidential division) and Kongolo Mobutu, son of the President, to ship arms and food products to Jonas Savimbi of UNITA. Victor Butt rented out the aircraft used to supply the arms. Sanjivan Ruprah went on to acquire two diamond mining concessions at Tshikapa.

255. After the arrival of the AFDL, Sanjivan infiltrated its leading circles and made the acquaintance of James Kabarebe, Rwandan general and acting chief of staff in the Congolese army, whose support and protection he enjoys.
He has used this influence to obtain preliminary agreements for 12 exclusive research areas (ZER) which support a number of small companies he has set up:

a) Tenfield Holdings: four ZER's in Kivu for gold and coltan;
b) Vasinley Holdings, four ZER's in Kivu for coltan;
c) Little Rock Mining, four ZER's for diamonds, gold and copper.

256. In two of these projects he collaborates with Branch Energy, a subsidiary of Angola's Diamond Works company. Sanjivan Ruprah has also been active in Branch Energy Kenya and Branch Energy Uganda (represented by Michael Grumberg and linked to Salim Saleh) and in Branch Energy Ltd of Sierra Leone.

257. Branch Energy is part of the Executive Outcome Group, a South African company specialising in arms sales and the deployment of mercenaries.

258. The companies associated with Sanjivan Ruprah are among those that fund the war. He has followed his protector, the Rwandan general James Karebe, into the eastern Congolese territories occupied by Rwanda and Uganda. The Little Rock Mining Company is among those located in Johannesburg and used by the RCD. Sanjivan Ruprah's brother in law Adolphe Onusumba, president of RCD-Goma, lives there. The latter owes his appointment to that post partly to his wife's husband Sanjivan Ruprah and partly to Etienne Tshisekedi of the UPDS, his original party.

259. Sanjivan Ruprah and his partner Victor Butt, the ex-KGB colonel, are said to have had business links with the suppliers of arms to the Taliban of Al Qaïda. The American security services suspect Victor Butt of delivering materials that give Al Qaïda the capability to build nuclear weapons. This would also explain the determination of the Rwandans and the RCD-Goma rebels to capture Katanga and its uranium mines.

260. The arrest of Sanjivan Ruprah in Italy should enable the authorities to pursue his accomplices.

B. MKWANO FRIEND - SHEEPS

261. This company, headed by Indo-Pakistanis based in Uganda, played a pivotal role in the conflict that saw the RPF and the RPA seize power in Rwanda.

262. The Indo-Pakistani shareholders' first step was to associate themselves with high-ranking members of the Museveni regime, generals Salim Saleh and James Kazini.

263. In 1992 MKWANO FRIEND - SHEEPS hired certain RPF members to work in its branches, and at the same time entered into business relations with the network of Nahim Khanaffer in Zaïre. This enabled a Mr. Jaffer, a Lebanese subject, to become the sole representative of MKWANO FRIEND - SHEEPS in North Kivu province and engage an RPF member, Mr Kayiteshonga, as director. When the RPF came to power in Rwanda, Mr Kayiteshonga went to work for the President of the Republic.

264. Under agreements signed between Fred Rwigema and Paul Kagame of the RPF and MKWANO FRIEND - SHEEPS, the latter was granted the monopoly on sales of its products in Rwanda. The agreements did not last, owing to the RPF's failure to meet its commitments.

265. Mr Jaffer, who was involved in selling the arms supplied to the Congolese RCD rebels by MKWANO FRIEND - SHEEPS, was originally given the task of destabilising Kasindi sector (in Uganda) and Beni (in ex-Zaïre) under the Mobutu regime.

266. That is why the Kengo government expelled him in April 1995. Jaffer then set himself up at Mbarara in Uganda.

267. Using its links with generals Salim Saleh and James Kazini, MKWANO FRIEND - SHEEPS went on to deliver arms to the MLC and RCD-ML rebels, and to export its products to Orientale province, through the intervention of Trinity, without paying customs duties.

C. AZIZA KULSUM GULAMALI

268. Mme Gulamali, born Aziza Kulsum to a Pakistani father and Burundian Hutu mother in the province of Gitega, is married to Mr Gulamali Amisi Mwanza, a Pakistani national born to a Congolese mother from Maniema. He is a businessman formerly resident in Bujumbura and now living in Dar es Salaam. The couple's children are called Jamalia Mwanza, Shanila Mwanza, Shabira, Salam and Mohamed.

269. Mme Gulamali has immersed herself in her husband's business interests. She specialises in arms sales, counterfeit money, and the smuggling of cigarettes, gold, diamonds, coltan, cassiterite and ivory tusks. During the Zaïrean era, she was based at Bukavu in Congo-Kinshasa, where she founded UZABUCO (United Zaïre Business Company), which sells cigarettes under the brand-name "Sportsman (Made in Tanzania)".

270. With the support of generals Baramoto and Nzimbi, she built a cigarette factory at Bukavu and obtained an exclusive licence to sell "Sportsman". She then counterfeited the product: Sportsman (Made in Tanzania) was packaged as Sportsman (Made in Zaïre).

271. She also started illicitly trafficking ivory with Manda Mobutu. To facilitate these activities, she set up the Swala air transport company, whose aircraft carry gold and ivory out of South Kivu (Maniema, South Kivu, North Kivu).

272. With associates of generals Baramoto and Nzimbi, she started laundering money supplied by the Lebanese, Nahim Jaffer. Ivory tusks were taken to Dar es Salaam via Bujumbura by UZABUCO trucks led by a driver called SHAKO. At Dar es Salaam, the ivory was stored with Mr Katunda in facilities belonging to the Tanzania Tobacco Company. It was then transported to Belgium by Cogecom, under the supervision of a resident of Uvira named Samy Kahongohongo.

273. The illicit ivory sales were made by Mr Van den Abeele, UZABUCO's agent in Belgium. The proceeds were placed in his account at Banque Bruxelles Lambert BBL, under the watchful eye of Robert Calonne. Mme Gulamali used the same network to

transport and sell Congolese coltan. However, instead of transiting Bujumbura, the coltan was loaded on to her ship "Kasenga", and thence travelled via Kigoma - Dar es Salaam.

274. During the early 1980s, she was often pursued by the Burundian government on account of her fraudulent trading activities. In 1993, she became very powerful and influential after President Ndayaye, a Hutu, came to office. When he died, she fled to Bukavu, where she had had her cigarette factory since 1982.

275. From 1993 to 1996, Mme Gulamali supplied weapons, ammunition and food to Nyangoma's FDD using Uvira as base. The arms were provided by generals Baramoto and Nzimbi, and taken from Kinshasa to Bukavu in aircraft belonging to Air Zaïre. The arms were then transported in containers and UZABUCO trucks to Uvira. Its vessel "Bahati" then delivered them to the FDD on an islet in Lake Tangyanika. Other arms were transferred from Dunda (in Sange, Zaïre) to the forest of Kimbira in Burundi, a stronghold of the FDD.

276. After Operation Turquoise, arms belonging to the Rwandan armed forces recovered by the Congolese army were sold to Mme Gulamali by General Baramoto for the FDD. In April 1996, a detachment led by Colonel Losa of the Civil Guard, escorting an UZABUCO convoy carrying arms, was attacked by troops of the Zaïrean 31st brigade, commanded by Major Andruma, on the on the road that passes through the Ngomo escarpment. The wounded Colonel Losa was taken to Kinshasa for medical treatment.

277. When AFDL forces entered Bukavu in 1996, Mme Gulamali sought refuge in the USA to escape reprisals by the Tutsi-led RPA. Her possessions were looted, her vehicles requisitioned and her home occupied by Commander Kisase Ngandu, then by the deputy governor of South Kivu, Benjamin Serukiza Kundabantu.

278. Thanks to the uncle of General Kagame El Haji Omari, her former collaborator in Burundi, Mme Gulamali was intruced to the ruling circles of the RPF. Mr Rutayisire, a member of the movement who lives in Cyangugu, also helped her in repayment for her services in storing RPA arms at Uvira and having them taken to Bukavu under the supervision of Roger Munyeshuli, Toto Kadogi, Alain Gakuba and Jules Sengiyumva. The arms were stored at the Hotel Résidence in Bukavu (belonging to Victor Ngezayo before being bought by Mr Pay-Pay Sangasike) and then transported by Victor Ngezayo and Mme Gulamali to Cyangugu, where they were received by Mr Rutavisire for use against the Habyarimana regime.

279. In order to cement these new relationships, Mme Gulamali accepted to place her Skyvan aircraft at the RPF's disposal. The plane, piloted by Commander Tuka Babouji and Jean-Pierre (formerly of the FAR) crashed in the high plateaux of Uvira, killing forty RPF officers.

280. After 2 August 1998, Mme Gulamali commenced buying coltan, gold and cassiterite. She was protected by Commander Machumo on the orders of Commander James Kabarebe. Her first purchases were made through her Shenimed *comptoir*, then through the Somigl company.

281. She signed new contracts with her old clients Starck, Cogecom and Sogem, and continued selling arms with Victor Butt.

282. She resurfaced as a money counterfeiter through a network headed by her daughter Jamilla and Samy Kahongohongo.

283. A former agent in Dar es Salaam, Samy Kahongo Hongo was transferred to Nairobi for operations in which American dollars were exchanged for Congolese francs from Kinshasa or Lubumbashi. This trafficking allowed Mme Gulamali to supply Congolese francs to the territories occupied by Rwandan forces.

5.5. The Lebanese network

284. The Lebanese in the Democratic Republic of the Congo, the Great Lakes countries, Central Africa, Liberia, Sierra Leone and other countries at war specialise in gold and diamond traffickings, money laundering and arms sales.

285. Nahim Khanaffer is the head of the Lebanese network in the Democratic Republic of the Congo. His deputies are Abdul Karim de Qualitoles and Ali Hussein. With protection from generals Baramoto and Nzimbi, who assigned men from the civil guard and the special presidential division to guard them, Nahim Khanaffer's group enjoyed monopoly status in buying gold for the Bank of Zaïre. The group had a hand in ordering banknotes during the monetary reform of the Birindwa government in 1993.

286. Nahim Khanaffer has used his status to trade in diamonds and arms in Angola, with Jonas Savimbi, in his own interests and those of Kongolu Mobutu, Baramoto, Nzimbi and Ngbanda Zamboko. He was also involved in the fabrication of false currency: new zaïres and American dollars (series 88).

287. The Zaïreans Pélé Mongo, Ness Makiadi, Nozi Muamba and Sylva Gbemani were also involved in the counterfeiting business of Nahim Khanaffer. Two aircraft were immobilised on the tarmac at N'djili and Mbandaka airports and their cargoes of new zaïres seized. The group's members were expelled by the Kengo government in 1995.

288. According to some trusted sources, the Nahim Khanaffer group brought a large number of young (25-30) Lebanese Hezbollah members into Zaïre to work in retail trading. This may be true: Lebanese Hezbollah was the first to denounce the massacre of eleven Lebanese following the killing of former President Laurent-Désiré Kabila. Nahim Khanaffer has also collaborated with Sanjivan Ruprah and Victor Butt.

289. Since the outbreak of war in August 1998, Nahim Khanaffer and Abdul Karim have been working in Uganda with the Ugandan generals Salim Saleh and James Kazini, and Mme Jovia Akandwanaho. The group also has business links with the former generals Baramoto and Nzimbi, and with Jean-Pierre Bemba, mainly in the trading of gold, diamonds and arms.

290. Ali Hussein, brother of Abdul Karim, buys gold and diamonds at Kisangani and bukavu, where he collaborates with Aziza Kulsum Gulamali.
Mohamed Ali Salem heads the Global Mineral company, which buys colombo-tantalite in Goma under the protection of James Kabarebe's men.

5.6. Foreign networks

291. Mining companies, transport companies, forestry concerns and commercial banks are involved directly or indirectly in the military-mafia networks which exploit the natural resources of the Democratic Republic of the Congo. The main countries to benefit from this trafficking are Belgium, Germany, Malaysia, Canada, the Netherlands, the United Kingdom, India, Pakistan, Russia, Thailand, Denmark and the United States.

292. The following mining companies are involved in illegal trading:

Anglo-American

293. The largest mining enterprise in the world. Originally South African, it was reorganized in 1998 and the headquarters moved to London. It comprises a number of relatively independent divisions specialising in one or several raw materials.

294. Anglogold (gold) and De Beers (diamonds) are the world's largest companies in these sectors. Their interests in the Congo comprise: the Gécamines Groupe Ouest project (processing of copper-cobalt wastes with America Mineral Fields) and indirect involvement in other projects (Groupe Ouest Consortium, Sakima, joint venture with Barrick via Anglogold; International Panorama project via Tangyanika Gold; Sakima project, at first controlled by Cluff Mining then by Banso).

Ashanti Goldfields

295. Ashanti Goldfields, a Ghanaian company, is one of the giants of the mining industry specializing in the exploitation of gold. In the Congo, it took over the **fictional shares** of Mindev and Associates in KIMIN to become the new partner of OKIMO and thereby replace Mindev and Associates. A mining agreement had been signed between the Congolese State, OKIMO and Mindev and Associates concerning the 2 000 km² area containing the two main fields of Kanga D7 and Adidi in Concession 40 belonging to the KILO group.

296. A new company called AGK (Ashanti Goldfields Kilo) covers all of Concession 40. Formerly controlled by Lonrho, Ashanti Goldfields is coveted by Anglo-American.

Barrick Gold Corporation (BGC)

297. Barrick Gold Corporation, the world's second largest gold producer, is a Canadian company quoted on the stock exchanges of New York, Toronto, London and Switzerland.

The company was founded by Peter Munk and Adnan Khashoggi, the arms dealer specialising in the practice of "hedging".

298. In the Democratic Republic of the Congo, Barrick concluded a mining agreement on 27 February 1998 with the Congolese State and OKIMO concerning geological research in Concession 38 and the surrounding ZER's covering a total area of 55 000 km², most of which lay in the MOTO Group's land. A start was made on the work, but it was halted by *force majeure*: the war of aggression.

299. Barrick permanently and unilaterally abandoned the mining agreement in a letter of 6 February addressed to OKIMO.

300. Members of the BGC board include the United States ex-President George Bush, former Canadian Prime Minister Brian Mulroney, Paul Desmarais, Chairman of the Canadian company Power Corporation, Karl Otto Pool, former director of the German Central bank, and Peter Munk, former chairman of the Canadian company Clairton Sound.

America Mineral Fields (AMFI)

301. This is a Canadian company operating partly out of Arkansas, USA.

302. Quoted on the Toronto stock exchange, the company was founded by Jean Raymond Boulle using capital acquired after the discovery of an enormous nickel deposit at Voiseys Bay in Canada. The deposit was sold in 1995 and a number of projects set up with Anglo-American, but none was pursued.

303. During the 1996-97 war, American Mineral Fields set up an office in Goma to cement contacts with AFDL leaders. That process was facilitated by Belgian ex-colonel Willy Mallants, military adviser to the AFDL and former military adviser to Mobutu. Boulle became a well-known figure in the media because of his support for the AFDL.

304. Several contracts were re-awarded to Boulle, but broken in 1998 in Anglo-American's favour. The dispute ended in him collaborating with Anglo-American in a highly profitable project to refine waste from Kolwezi (most of the project was given to Anglo-American, which was in no hurry). An option was taken out on a project to develop the Kipushi mine. Apart from Kipushi, AMFI has been active elsewhere in Zambia, in an exploration project at Kolwezi, and also in Angola, where it has been involved in diamond mining in collaboration with a security firm called International Defence and Security (IDAS).

305. Since October 1999, Union Minière Belge has held 20 per cent of the shares in this purely speculative enterprise. AMFI is known to have been one of the major providers of funding for Uganda, Rwanda and the rebel movements in the 1998 war.

Banro

306. This Canadian company, included in the Canadian Dealing network (CDN), joined with Cluff Mining to take over the Sominki company at Kivu-Maniema. Banro then gained precedence over Cluff Mining, which nevertheless remained the major shareholder with 14 per cent. Sixty-five per cent of Cluff is controlled by Anglo American. Banro/Cluff Mining set up a company called Sakima. At the end of 1998, the Government of the Democratic Republic of the Congo cancelled its contract with Banro.

307. Sakima was replaced by a new company called Somico. Banro objected to that decision and started legal proceedings against the Democratic Republic of the Congo. With effect from 19 April 2002, the Congolese Government signed an amicable agreement with Banro designed to bring the dispute to an end. Banro has used Mr Victor Ngezayo to take from coltan, cassiterite and wolfram from Somico.

Cluff Mining

308. This company is quoted on the London Stock Exchange (the Alternative Investment Market or AIM, for companies of lower standing). Its predecessor, Cluff Resources, was taken over by Ashanti Goldfields, whose pan-African activities include the manganese field at Kisenge in the Democratic Republic of the Congo, used for gold exploitation.

Rhodes Mining

309. Quoted on the Australian stock market, and active in Hungary, Slovakia and Ghana, it tried to establish a presence in the Congolese gold market at the Adumbi-Kitenge field, but came into conflict with Busico. Bruce Walsham, one of its directors in 1996, became president and director of Diamond Works until the end of 1999.

Diamond Works

310. This is a diamond mining company quoted on the Vancouver stock market. It operates in all areas of conflict, such as the Congo, Sierra Leone, Angola, but also in Lesotho, China and Venezuela. It operates in the same circles as the private security firms like Executive Outcomes, whose most active component is Branch Energy, itself comprising several subdivisions including Branch Energy Uganda (headed by Salim Saleh, half-brother to Ugandan President Musaveni; activities temporarily suspended at the end of 1998) and Branch Energy Kenya (involvement of Sanjivan Ruprah).

Krall Metals

311. This unquoted Austrian company is known by several names, including Edith Krall Consulting, Edith Krall Investments, Krall Metals Congo and Krall Metals Uganda. It has been involved in the attempted theft of copper and probably in arms trafficking,

and tried to take over the niobium deposits of LWESHE. Krall is also attempting to take over diamond fields.

Russell Resources Group

312. This company is based in Perth, Australia. Its president, Gad Raveh, is involved in food processing and answers to the Israeli general, David Agmon, former aide of President Netanyahu. Reported to have struck up an alliance with Salim Saleh to exploit gold-bearing deposits in the Okimo concession.

Finconcord, Finmining Ltd, Raremet Ltd

313. A Swiss called Chris Huber set up Finconcord at 8, rue de Rive, 1204 Geneva, and Finmining at c/o Halbert Office Complex, Cur. Bird Rock, Frigate Bay Road, PO Box 398, Saint Kitts. These are all offshore companies which buy coltan from Rwanda Metals and from the Copimar *comptoir* of Dany Nzaramba in Kigali. They then deliver the coltan to the Ulba Metallurgical Plant in Kazakstan using the following transport companies:

a) Ulba Aviakompania (ULB);
b) Irtysh Avia (ITR);
c) Airline-fluts International;
d) Air-Cessavia (belonging to Victor Butt).

Eagle Wings Resources EWR

314. EWR is a joint venture between the American Trinitech, belonging to Robert Raun of Ohio, and the Dutch company Chemie Pharmacie Holland, belonging to G. Klein. EWR's local representative in Kigali is Alfred Rwigema, brother in law of Rwanda's President Paul Kagame.

Dara Forest

315. This Ugandan-Thai company has been based in the Ituri region since 1998. It exploits timber from the forests around Djugu Manhessa, Beni, Komanda, Luna, Mont Hoyo and Aboro. Dara Forest is a subsidiary of DARA Great Lake Industries (DGLI), whose owners include John Supit Kotiran and Pranee Chanyuttasart (Thailand) and Prossy Balaba (Uganda).

316. DGLI's partners are DARA Europe Gmbl, of Germany, Shanton President Wood Supply Co Ltd, of China, President Wood Supply Co Ltd, of Thailand, and DARA Tropical Hardwood, of Portland (Oregon), USA.

317. Several sources indicate that ores from Maniema, South Kivu, North Kivu and North Katanga are transported via Uvira, Kigoma and Dar es Salaam.

318. The following companies act as receivers:

319. Transport and purchasing:

1. Gibraltar: Nottington Trading;
2. Germany: MASINGIRO Gmbh;
3. Holland: BV CHEMIE - Hogehilweg 4, Amsterdam 1101C;
4. Belgium: COGECOM;
5. United Kingdom: AMALGAMED-UK;
6. France: SVD, of the Bolloré Group.

320. Receivers - Purchasers:

1. Thailand Smelting and Refining Co / Phuket 8300;
2. C. Steinweg Warehousing (FE) Ltd / Singapore 619113;
3. Malaysia Smelting Corp., Berhad / Butterworth 12 700.

321. Receiving - Transport - Purchasing:

1. COGECOM - AG COGHEN - 1180 - Brussels - Belgium;
2. AFRIMEX UK - Wembley Park, Middlesex HA9 8JR - UK;
3. AMALGAMED Metal Corp. Ltd - 10 Charterhouse Square - London EC1 - UK;
4. TRADMET = pl. Gbangniet - 21390 GREZDOICAU - Belgium;
5. AFRIMIN - Dr des Anglais - 21390 GREZDOICAU - Belgium;
6. RAREMET / NOTTINGTON TRADING Ltd - 50 Town Range - Gibraltar;
7. BHARAT PATEL - Whitehouse Way - London N14 7LX - UK;
8. UNICORP INTL Ltd, High Street, Chelmsford, Essex CM19 5EE - UK;
9. C. Steinweg - Parmontierplein - Rotterdam 3088 - Holland;
10. J.W. Hampton and Co - ROCKAWAY Bldg - New York - 11434 - USA;
11. NOTTINGTON Trading - Gibraltar;
12. SPECIALITY METALS Co. - Rue Tenbosch - Brussels 1050.

322. The following enterprises in the European market are involved in purchasing coltan from the eastern Democratic Republic of the Congo:

a) H.C.Starck, a subdivision of Bayer (Germany);
b) Cabot Performance Materials (Broyer Town, USA);
c) Ningxia (China);
d) Shoa-Cabot (Japan);
e) Ulba Metallurgical Plant, (Kazakhstan).

323. Cogecom and Sogem (Belgium), Masingiro Gmbh (Germany), Finmining (Switzerland) and Eagle Wings Resources (USA/Holland) are the major sellers of Congolese coltan in Europe.

The Kazakh network

The Ulba Plant Tantalum company

324. The disreputable businessman, Chris Huber, has links with the Kazakh network. He delivers coltan to the Ulba company in Kazakhstan. According to investigations by IPIS, the Finmining company has the coltan transported from Kigali to Kazakhstan by the Kazakh freight companies Ulba Aviakompania and Irtysh Avia.

5.7. Networks of Lebanese, Jewish, Congolese and other diamond merchants

325. According to information obtained from reliable sources, there are six circuits trading fraudulently in Congolese diamonds.

326. They operate as follows:

Congo Brazzaville

327. Congolese dealers cross the River Congo illegally carrying diamonds destined for Brazzaville, where they sell them openly, subject to 1% taxation. These *comptoirs* then export the diamonds to Antwerp. The diamonds sold in Congo-Brazzaville come mainly from the Mbuji-Mayi and Kisangani fields.

328. This fact is demonstrated by the average prices of $41.72 per carat in 2000 and $41.10 per carat in 2001, almost reflecting those in the Democratic Republic of the Congo: $37.08 per carat in 2000 and $30.26 per carat in 2001. This compares with the high prices in 2000 for diamonds from Angola ($280.20 per carat in 2000) and Central African Republic ($128.36 per carat).

329. Certain Lebanese subjects operate in the Democratic Republic of the Congo and the Congo Republic. Large stones are bought in the later and exported from Brazzaville. This is the case with the buyers from the Primogem *comptoir* who have opened the Star Diamond, Soulei Business and Moussa Diamond *comptoirs* with Ghassan & Frères, Souleiman and Moussa Diamond, respectively. Mr Hussein, alias Sadam, and Chauki Abadi operate on Primogem's behalf in Brazzaville. Reliable sources indicate the involvement of Mr Ezedine, a Lebanese subject, in Brazzaville, and Phillipe Gedens, a Belgian, in Kisangani.

a. Central African Republic

330. Dealers operating in Equateur province offer their diamonds for sale on the other side of the Ubangi river in the Central African Republic. Some diamonds from Orientale province also pass through Bangui. These diamonds have the same features: a gem with a greenish hue.

331. In a programme broadcast by RFI on 28 October 2001, the Congolese Minister for Foreign Trade said that "the diamonds from the Central African Republic recorded in Antwerp are the equivalent of exports amounting to 50 billion CFA. That country's normal production is 500 000 carats per year, but fraud has increased that level to over 1 million carats." The additional diamonds are the result of the war, and they are passed on by the Lebanese network operating from the Democratic Republic of the Congo.

332. The following Lebanese-owned *comptoirs* are involved:

a) Ezedine;
b) Talal;
c) Akail;
d) Abass;
e) Papa Mohamed;
f) Jihad;
g) Belco-Diamant;
h) Nada (Frères Haidar, Hussein Ali, Hussein Ali Ezzedine);
i) Super-Stars (Ali Rumi, Hussein Mohamed, Abdala Abel Bil);
j) Zahraa Diamond;
k) Maysaa;
l) Sahar Diamond;
m) Hesm Diamond (Mohamed Khalil).

333. Mohamed Gassan buys diamonds in Gbadolite for export via the Central African Republic.

b. Uganda, Rwanda and Burundi

334. Congolese diamonds from Kisangani, 50 per cent of which are of "near-gem" quality, are exploited intensively by Ugandans, Rwandans, Burundians, Israelis, Lebanese and Indo-Pakistanis in full co-operation with the rebel leaders. All exports go to Tel Aviv in Israel and Bombay in India before being re-exported to Antwerp. Unlike Antwerp, Tel Aviv does not register the diamonds sold by the above-mentioned countries.

335. The following countries are involved in trading war diamonds:

c. United Arab Emirates: Dubai

336. The town of Mbuji-Mayi, the main diamond centre in the Democratic Republic of the Congo, exports large amounts of merchandise by air to the United Arab Emirates. The air traffic between these two places constitutes the largest network of fraudulent diamond trading from the Democratic Republic of the Congo to Dubai; it is organized by traffickers from Kasai.

d. India: Bombay

337. Specialising in the trading of every kind of small stone, Bombay is clearly the market of choice for the Lebanese and Indo-Pakistani traffickers operating in the eastern Democratic Republic of the Congo.

e. Zambia, Tanzania, Mauritius

338. Traffickers from Kasai generally take the Mwene-Ditu-Lumumbashi railroad through Zambia and Tanzania to reach Dubai and Mauritius.

339. The following sources also contain the information just given:

a) Reports of the United Nations Panel;
b) Pierre BARACYETSE, "L 'enjeu politique des transnationales minières au Congo";
c) Erik Kennes, "Le secteur minier au Congo, Déconnexion et Descente aux enfers";
d) Pierre LUMBI, "Les enjeux économiques de la guerre: intérêts et acteurs";
e) Publications by the International Peace Information Service (IPIS) concerning diamonds and coltan.

340. The table below summarizes the loss and damage suffered by the Democratic Republic of the Congo as a result of war. The details are contained in the Note of the Government submitted to the United Nations in December 2001 (S/2001/1156).

	Types of resources	Amount (US $)
A.	**Minerals**	
	1.Coltan (3 962 126.280 kg)	792 425 256.00
	2.Diamonds (12 965 047.83 kg)	427 046 578.39
	3.Gold (30 037.409 kg)	265 104 164.35
	4.Cassiterite (6 308 330 kg)	24 393 116.85
	5.Niobium	1 362 000.00
	Subtotal	**1 510 331 115.59**
B.	**Agro-pastoral/ environmental**	
	6.Timber industry	164 229 039.00
	7.National parks and protected areas	91 398 300.00
	8. Stockbreeding	1 430 729 932.00
	9.Manufactured agricultural products	51 150 925.42
	Subtotal	**1 737 407 196.42**
C.	**Financial**	
	10. Banks	16 228 334.49
	11. State levies	1 435 991 660.00
	12. FEC* companies	125 344 461.00
	13. Public enterprises	199 472 175.24
	14. Mining enterprises	4 470 932 230.00
	Subtotal	**6 247 963 961.45**
D.	**Facilities/equipment**	
	15. Health facilities	622 565 026.00
	TOTAL A+B+C+D	**10 118 267 299.46**

* Fédération des enterprises du Congo

CONCLUSION

341. Given the diverse nationalities of those responsible for the criminalisation of the Congolese economy, the war of aggression that the Congolese people have suffered for over four years, with all its attendant consequences, is nothing more or less than an international plot. The United Nations Security Council must commit itself firmly to stopping the wide-scale looting and illegal exploitation of the natural resources and other forms of wealth of the Democratic Republic of the Congo and to terminating this war of aggression. There must be no policy of "one law for the rich and one for the poor", since the Democratic Republic of the Congo is the victim of external aggression, just like Kuweit when Iraq invaded. The foregoing information shows that the more obvious

attackers of our country, namely Rwanda, Uganda and Burundi merely **mask their activities** in a way that deceives only those who cannot see the wood for the trees.

342. The criminalisation of the economy and the humanitarian disaster brought about by the war of aggression in the Democratic Republic of the Congo were orchestrated by Congolese political, military and mafia leaders through the so-called rebel movements: RCD-Goma, the MLC, RCD-ML and RCD National. The names of some of the main actors are:

a) Adolphe Onusumba;
b) Maître Azarias Ruberwa;
c) Maître Emungu;
d) Bizima Karaha;
e) Deogratias Bugera;
f) Emmanuel Kamanzi;
g) Moïse Nyarugabo;
h) Maître Mudumbi;
i) Amisi Gabriel alias Tango-Tango;
j) Jean-Pierre Ondekane;
k) Roger Lumbala;
l) Mbusa Nyamwisi;
m) Tibasima Ateenyi;
n) Ernest Wamba dia Wamba;
o) Jean-Pierre Bemba;
p) Olivier Kamitatu;
q) Commander Tshapulu;
r) Willy Mishiki;
s) All the governors of the occupied provinces, including:

- South Kivu: Basengezi Katintima, Serukiza Benjamin and Dr Mundjo;
- Maniema: Nestor Kiyimbi, Gertrude Kitembo and Mr Abedi;
- Ituri: Mme Adele Lotsove,

and also the governors and their deputies in Orientale province and North Kivu.

343. The foregoing report shows that the presence of Rwandan, Burundian and Ugandan troops on the territory of the Democratic Republic of the Congo cannot be justified in terms of securing those countries' frontiers; they are there basically for economic reasons. The pursuit of war in the Democratic Republic of the Congo is motivated by the wide-scale looting and illegal exploitation of its natural resources and other forms of wealth.

344. The Democratic Republic of the Congo looks to the international community to provide it with effective multi- and bilateral assistance for tackling poverty. The destruction and disintegration wrought by its three well-known attackers, the rebellion and looting, the disastrous humanitarian situation and the poor levels of governance are

such that the country will take a long time to recover by itself. Given the levels of infrastructural damage and population loss, the problems facing those left alive and the sheer size of the national territory, a significant contribution by the international community is vitally needed.

345. Only a global reconstruction effort similar to the Marshall Plan devised for Europe after the Second World War will be sufficient to help the Democratic Republic of the Congo to recover.

346. Only then might the country become what it was before the war: a major partner in tackling global problems and in sub-regional peace initiatives, and a major market importing and exporting products on a global scale.

PART II

Strengthening of institutional capacities and revision of commercial agreements and other contracts governing mining, forestry and land concessions

CHAPTER 6: STRENGTHENING THE INSTITUTIONAL CAPACITIES OF THE CONGOLESE STATE

347. Since May 17 1997, when the AFDL seized political power, a sword of Damocles has been suspended over the institutions of the Republic. In fact, the collapse of the state apparatus was predictable, given the diverse nationalities of the leading figures who became involved with the institutions of state through the new movement.

348. That risk was not slow in being realised; on 2 August 1998, the war of aggression was launched by forces which included elements that had been on the side of the revolution of 17 May 1997. The main effect of the war was to render central government powerless and expose the country to four new administrations, namely those in Kinshasa, Gbadolite, Kisangani and Goma. The paralysis of state institutions enabled the so-called rebels and the aggressor nations to loot the country's resources on a wide scale.

349. In accordance with the Security Council's recommendations on strengthening the nation's institutional capacities, the Government of the Republic launched a series of institutional reforms on 26 January 2001 intended to bring peace to the country, restore its territorial integrity, extend state authority over the whole Republic, provide efficient and effective protection for the nation's natural resources and other forms of wealth, and prevent any repetition of what had happened. This was not simply a statement of principle, but a firm commitment whose initial consequences were felt in governmental circles and in Parliament.

6.1. Executive power in the Republic

350. One year after becoming President, i.e. since 26 January 2001, Major-General Joseph Kabila has put into effect several wide-ranging reforms. These include introducing or boosting ad hoc organizations, relaunching the inter-Congolese Dialogue, reorganizing the army and national police force, overhauling public services and changing the basis of public enterprise.

6.1.1 Introduction of ad hoc organizations

351. The President has created several bodies which, functioning under his authority, are designed to manage highly specific tasks more effectively. They include the State Commission for MONUC, the State Commission for Reintegration, the State Commission for the French-speaking world, and the Anti-Corruption Commission.

1. The State Commission for MONUC, later the State Commission Responsible for Monitoring the Peace Process in the Great Lakes Region.

352. Led by a state commissioner assisted by two deputies, the State Commission for MONUC was a special governmental body responsible for relations between the Government and MONUC. By Presidential Decree No. 87/2002 of 5 August 2002, the

State Commission for MONUC was replaced by the State Commission for Monitoring the Peace Process in the Great Lakes Region.

353. The new body's tasks are:

a) rigorously to monitor, on the government's behalf, implementation of the peace agreement between the governments of Rwanda and the Democratic Republic of the Congo;
b) to liaise with MONUC on the government's behalf;
c) to propose to the government all useful and necessary measures for returning peace to the Great Lakes region;
d) to deal with all matters relating to the International Criminal Tribunal for Rwanda.

2. State Commission for Reintegration

354. Established by decree of the President of the Republic, the Commission for Reintegration is concerned specifically with people displaced by the war. It enables the Congolese Government to provide effective and efficient social assistance to this category of the population. The commission works closely with UNICEF, and occasionally with the WFP.

3. State Commission for the French-speaking World

355. Matters relating to the French-speaking parts of the world were previously the concern of the Ministry for Foreign Affairs and International Cooperation. In view of the importance of the ministry's role at the heart of the French-speaking world, and the demographic and cultural weight of the Democratic Republic of the Congo, such matters are now the responsibility of a higher-ranking body: the State Commission for the French-speaking World.

4. Anti-Corruption Commission

356. The President of the Republic set up this specialised body, whose objectives are to expose corruption by either active or passive perpetrator agents and prevent its reoccurrence.

5. National Commission to Coordinate Measures against International Terrorism

357. In response to the summit held in Dakar at the initiative of the President of Sénégal, Abdoulaye Wade, following the events of September 11, 2001, the Congolese President set up a national commission charged with investigating and punishing terrorist activities, with a view to preventing terrorists from finding a refuge in the Democratic Republic of the Congo.

6. Social fund

358. The Social Fund was set up to offer the population support for private initiatives. It is intended as a tool for tackling poverty and as a means of boosting private enterprise.

7. Centre for Examination, Evaluation and Certification

359. Established by Decree No. 052/2001 of 22 September 2001, the CEEC is a specialised public service that comes under the Ministry for Mines and Hydrocarbons. Its tasks include:

a) evaluating diamonds produced in the Democratic Republic of the Congo;
b) evaluating gold and other precious and semi-precious substances emanating from small-scale exploitation on national territory;
c) training Congolese valuers;
d) certifying and monitoring flows of materials and money and payments of export tax;
e) promoting the diamond industry and other precious and semi-precious minerals;
f) tackling fraud.

360. This body participates in the Kimberley Process on behalf of the Democratic Republic of the Congo.

361. The agreements undertaken as part of the Kimberley Process are beginning to produce positive results.

362. On Monday, 23 September, 2002, the Director-General of the CEEC received a message from the Belgian Minister for Economic Affairs concerning a package of illegal diamonds which had arrived in Antwerp without official documentation from the Ministry for Mines and Hydrocarbons or the CEEC.

363. The package was accompanied by a document bearing the stamp of OFIDA (accounting code 502/030) and an "export licence", bearing the number 034/02, from the Provincial Office of Mines and Geology, signed by Liete Tufa wa Tufa of RCD-Goma.

364. The Congolese Government requested the Belgian Government to block the package and send it back to the competent Congolese authorities, as a step towards protecting the diamond market and preventing the proceeds of diamond sales from being used to fund further armed conflict.

365. Branches of the CEEC have been set up in the major centres of small-scale diamond trading: Mbuji-Mayi, Tshikapa, Tembo and Kahemba.

6.1.2 Reorganization of the Armed Forces and National Police

366. This is a wide-ranging initiative aimed at strengthening and making more effective the institutions of State. The President of the Republic has appointed certain officers from both bodies to carry out the work.

6.1.3 Overhaul of Public Services and Territorial Administration

367. By a series of decrees, the President of the Republic has appointed secretaries-general to the civil service, town mayors, district commissioners, communal burgomasters and territorial administrators. Since these are no longer temporary appointments, the new incumbents will bring a more active and responsible approach to their highly responsible posts.

Reorganization of public enterprises

368. The state portfolio used to comprise 55 public and joint-venture companies, most of which were "lame ducks" beset by mismanagement. Now, they are the state's principal source of income. In an effort to install sound management, raise competence and improve moral standards, the Government carried out a series of audits at all these enterprises. Those responsible for mismanagement were dismissed and replaced by new ones, under Presidential decrees nos. 120 and 121 of 8 September 2001.

369. The state prosecutor has already initiated proceedings intended to make the miscreants answer for their actions and put an end to their reign of impunity.

6.1.4 Recommencement of cooperation with the international financial institutions

370. The Democratic Republic of the Congo has been subject to an economic blockade since November 1991. The funding it received from international institutions ceased at that time.

371. Since the signing of the Lusaka Agreement on 10 July 1999, great efforts have been made to renew contacts between the Democratic Republic of the Congo and international donors (multi- and bilateral).

372. Formal relations exist with the World Bank, the International Monetary Fund, the European Union, the African Development Bank and other international financial institutions, especially those in the Arab world.

373. During 2002, structural cooperation restarted with the IBRD, the IMF, the EU and many countries, including France, Belgium, Canada, China and Italy. Contacts have been formalised on the basis of a number of projects and programmes concerned with reconstruction and tackling poverty.

374. The above-mentioned programmes include;

a) the PIR (Strengthened Interim Programme);
b) the PIN (National Initial Programme);
c) the PMURR (Urgent Multisectoral Programme for Rehabilitation and Reconstruction of the Congo);
d) the DSR (UN Poverty Reduction Strategy).

375. The funding for such programmes has been provided on certain conditions, the main ones being:

376. **Political**

a) a successful outcome to the inter-Congolese dialogue;
b) the introduction of democratic institutions, respect for human rights and sound governance.

377. **Economic**

a) payment of the arrears owed to the IMF, the IBRD and the ADB;
b) stabilization of the macro-economic situation through the abolition of anachronistic features such as:

- monopolies;
- excessive taxation;
- interventionist economic legislation;
- hyperinflation; and
- unstable exchange rates.

378. Following a review of performance criteria conducted by the government, cooperation was renewed with the Bretton Woods institutions and the African Development Bank.

379. Once the country's macro-economic parameters had been stabilised, the Congolese Government moved **to stimulate the economy, mainly through urgent multisectoral programmes of rehabilitation and reconstruction and several sectoral reform programmes in key areas.**

380. Likewise, the government has taken steps to place businesses on a more secure footing (commercial tribunals), lighten the burden of special taxation and reduce the administrative complications at border posts.

381. A new investment code has been approved to attract and reassure investors.

382. During 2002, the government has performed conspicuously well. The IMF has granted a loan of 750 million dollars, the World Bank 450 million dollars and the

European Union 120 million Euro; the African Development Bank has cancelled a debt of 800 million dollars.

6.2. PARLIAMENT

383. The following laws have been passed in order to enhance the state's institutional capacity:

1. Act on political parties and groups;
2. Budget Act 2002;
3. Act concerning the autonomy and independence of the Central Bank;
4. Framework law on health;
5. New mining code;
6. New investment code;
7. Act concerning telecommunications regulations;
8. Act concerning the forest exploitation code;
9. Act concerning savings and credit cooperatives;
10. Act concerning the activities and control of credit establishments.

CHAPTER 7: REVISION OF THE COMMERCIAL AGREEMENTS AND OTHER CONTRACTS ON MINING, FORESTRY AND LAND CONCESSIONS CONCLUDED WITH THIRD PARTIES SINCE 1997 BY THE DEMOCRATIC REPUBLIC OF THE CONGO

7.1. Current situation

384. Following protests by the countries (Uganda and Rwanda) and rebel movements (RCD, MLC) incriminated in the report of the United Nations Panel on the Illegal Exploitation of the Natural Resources and Other Forms of Wealth of the Democratic Republic of the Congo, the Security Council decided to extend the mission of the Group of Experts in order to:

a) allow the contesting parties to prepare a defence, and the Democratic Republic of the Congo to submit sufficient evidence to support the accusations against the aggressor countries and their accomplices;
b) enable the United Nations Group of Experts to make further inquiries about certain aspects previously left relatively unexplored, including the nature of the business relations between the Democratic Republic of the Congo and its war allies, in particular Zimbabwe.

385. At the request of certain permanent members of the Security Council, the United Nations Panel of Experts spent the period of its extended mandate documenting governmental acts indicated in the report in order to try to create **a disproportionate impression** concerning acts involving the wide-scale looting and illegal exploitation of Congolese natural resources and other forms of wealth committed in the occupied territories by the aggressors and their Congolese mercenaries in complicity with mafia-type international financial interests.

386. In reality, in transposing a conflict of interest with Zimbabwe onto the territory of the Democratic Republic of the Congo, certain members of the Security Council are suggesting that the Panel of Experts use its investigation into the semi-public companies and joint ventures set up by the Democratic Republic of the Congo and Zimbabwe or through Zimbabwe to show that such organizations are in fact tools enabling Zimbabwean army officers and Congolese officials to loot Congolese natural resources and other forms of wealth. It is this aspect of the approach that the Panel has been requested to adopt which explains its determination to reveal the nature of the companies set up by the Democratic Republic of the Congo in partnership with its allies.

387. It is therefore both urgent and advisable for the Security Council to examine these companies' statutes and the agreements concluded with the Congolese State, so as to rule out any bias and eliminate aspects which did not comply either with the Congolese legislation governing commercial enterprises or with political and business ethics.

7.2 Position of the Government of the Democratic Republic of the Congo

388. With regard to the revision of certain agreements concluded between the Democratic Republic of the Congo and its allies, the Government of the Republic wishes to emphasize its awareness of the existence of certain controversial clauses in commercial agreements or contracts whose shortcomings are the result of their having been signed in a war context.

389. The Government wishes to point out that these contracts, duly signed in the framework of a general economic agreement between the Democratic Republic of the Congo and its allies, are not comparable with the acts of looting and illegal exploitation taking place in the territories controlled by Rwanda, Uganda and Burundi.

390. However, allowing for certain obstacles attributable to the war, the Government is attempting to normalize these agreements in accordance with the laws that regulate commercial enterprises. In December 2001, the head of state instructed the government to begin conducting a review of the agreements containing the disputed clauses.

391. A file containing the commercial contracts signed since 1997 by the Congolese Government or by the rebel movements has been passed to the economic and financial committee of the Inter-Congolese dialogue. All the parties have agreed on the need to revise the agreements concluded by the belligerents. This work, begun by Joseph Kabila as head of state, will continue during and after the transition, with the support of the international community.

PART III

The violation of legal instruments, the settlement of disputes and the evolution of the peace process

CHAPTER 8: LEGAL INSTRUMENTS VIOLATED BY THE AGGRESSORS AND BY OTHER WAR CRIMINALS

392. The territorial integrity of the Democratic Republic of the Congo and its sovereignty over its natural resources are guaranteed by the international and national legal instruments that enshrine the primacy of law over the rule of force.
The Government has decided to list all the legal instruments which have been violated by the various acts involving the looting and illegal exploitation of the country's natural and other resources by foreigners, especially Rwanda, Uganda and Burundi, in complicity with Congolese rebels.

8.1. Universal instruments and other documents

393. Article 1 of the United Nations Charter relating to the purposes of the United Nations (Paragraph 2): "To develop friendly relations among nations based on respect for the principle of equality of rights and self-determination of peoples...". Article 2 relates to the principles of the United Nations, including "respect for the integrity and territorial sovereignty of a state".

394. The International Covenant on Economic, Social and Cultural Rights (para 2, article 1) states: " All peoples may, for their own ends, freely dispose of their natural wealth and resources (...). In no case may a people be deprived of its own means of subsistence".

395. The International Covenant on Civil and Political Rights provides the same.

396. Resolution 1803 (XVII) of the United Nations General Assembly of 14 December 1962 states: "Permanent sovereignty over natural resources" (Para 7) "Violation of the rights of peoples and nations to sovereignty over their natural wealth and resources is contrary to the spirit and principles of the Charter of the United Nations and hinders the development of international cooperation and the maintenance of peace".

397. Article 2 of the Charter of Economic Rights and Duties of States: "Every State has and shall freely exercise full permanent sovereignty, including possession, use and disposal, over all its wealth, natural resources and economic activities".

398. In the following resolutions the Security Council reaffirms the sovereignty of the Democratic Republic of the Congo over its natural resources and notes with concern the reports of the illegal exploitation of the country's assets and the potential consequences of these actions on security conditions and the continuation of hostilities: resolutions 1291 of 24 February 2000, 1304 of 16 June 2000, 1332 of 24 December 2000 and 1341 of 22 February 2001.

399. The Geneva Conventions of 12 August 1949 and their additional protocols of 8 June 1977 state the following: "Pillage is prohibited" (para 2, article 33, of Convention No. IV relative to the Protection of Civilian Persons in Time of War); "Civilian objects

shall not be the object of attack or of reprisals" (para 1, article 52, of Additional Protocol I to the Geneva Conventions of 12 August 1949, in connection with the general protection of civilian objects).

400. Paragraph 2, article II, of the Convention on International Trade in Endangered Species of Wild Fauna and Flora states: "The Parties shall not allow trade in specimens of species included in Appendices I, II and III except in accordance with the provisions of the present Convention".

401. Paragraph 2, article 6 of UNESCO's Convention for the Protection of the world Cultural and Natural Heritage states: "Each State Party to this Convention undertakes not to take any deliberate measures which might damage directly or indirectly the cultural and natural heritage referred to in Articles 1 and 2 situated on the territory of other States parties to this Convention".

402. Resolution 46 (III) of UNCTAD states: "...any external, political or economic measures or pressure brought to bear on the exercise of [every country's sovereign right to dispose freely of its own resources] is a flagrant violation of the principles [of the United Nations]".

403. Paragraph 1, article 38, of the Convention on the Rights of the Child states: "States Parties undertake to respect and ensure respect for rules of international humanitarian law applicable to them in armed conflicts which are relevant to the child".

8.2. Regional instruments

404. Article III of the Charter of the Organization of African Unity relating to the guiding principles, notably respect for the sovereign equality and territorial integrity of every State and its inalienable right to independent existence.

405. Article 21 of the African Charter on Human and Peoples' Rights states: "All peoples shall freely dispose of their wealth and natural resources. This right shall be exercised in the exclusive interest of the people. In no case shall a people be deprived of it. In case of spoliation, the dispossessed people shall have the right to the lawful recovery of its property as well as to an adequate compensation".

406. Article III, paragraph 4 (b) (iii), of the African Convention on the Conservation of Nature and Natural Resources states: "national park means an area (...) in which the killing, hunting and capture of animals and the destruction or collection of plants are prohibited...".

407. Principle 15, article III, of the Lusaka Ceasefire Agreement states: "Nothing in the Agreement shall in any way undermine the sovereignty and territorial integrity of the Democratic Republic of the Congo".

8.3. National legislation

8.3.1. Environmental provisions

408. Order No. 52/119 on the regulations to be observed during authorized tree felling.

409. Act No. 82-002 of 28 May 1982 regulating hunting. Article 3 states: "No one shall have the right to exploit fauna by hunting or any other means without a permit issued by the competent authority". Article 13 states: "Inside wild animal reserves, it shall be forbidden, except by permission of the local authority, to pursue, hunt, capture, destroy, frighten or disturb, in any way, any species of wild animal, even those known to be pests".

8.3.2. Mining regulations in the Democratic Republic of the Congo

410. Decree-law No. 81 of 2 April 1984 relating to the general legislation on mines and hydrocarbons states (para 1, article 4): "No one shall carry out investigations of the subsoil for any purpose, without authorisation from the ministry responsible for mining. No one shall perform prospecting, research or mining operations except in pursuance of rights granted by the State, via the Ministry for Mines, to the legal or natural persons of its choice".

411. Decree-law No. 66-343 of 7 June 1967, the so-called "Bakajika Law", grants the Congolese State full rights of ownership and sovereignty over the land, forestry and mining concessions throughout the territory of the Democratic Republic of the Congo.

412. On the basis of the foregoing, and taking into account the accepted objective and impartial character of the report by the United Nations Panel of Experts on the illegal exploitation of the natural resources and other wealth of the Democratic Republic of the Congo, it is impossible to refrain from describing the serious offences committed in contravention of the relevant provisions of the above-mentioned legal instruments.

412a. For example, the Rwandans, Ugandans and Burundians, as well as the rebel movements, are illegally exploiting Congolese mineral resources: soldiers do it on their own account, villagers do it under orders from Rwandan and Ugandan commanders, and foreigners do it on behalf of armies or commanders.

413. The illegal exploitation of Congolese mineral resources by the aggressor states violates:

414. The right of the Congolese people to self-determination (article 1 of the United Nations Charter) and the principle of territorial integrity and sovereignty of the Democratic Republic of the Congo (article 2, idem).

415. The right of the Congolese people to dispose freely of their wealth and not be deprived of their means of subsistence (article 1 of the International Covenant on Economic, Social and Cultural Rights and of the International Covenant on Civil and Political Rights; article 2 of the Charter of Economic Rights and Duties of States). Paragraph 7 of United Nations General Assembly resolution 1803 (XVII) of 14 December 1962 considers that violation of the rights of peoples and nations over their natural wealth and resources hinders the development of international cooperation and the maintenance of peace.

416. The principle of the sovereignty of the Democratic Republic of the Congo over its natural resources (Security Council resolutions 1291, 1304 and 1341).

417. Acceptance of the principle of prior authorisation as being within the remit of the minister responsible for mines, with respect to the granting of licences for research and mining operations (article 4 of Decree-law No. 81 of 2 April 1984).

8.4. Forestry-related and economic legislation

418. By cutting down trees intended to be part of Congolese timber production and exports, without permission from the lawful government in Kinshasa, the aggressor states are violating article 4 (3) (b) of the African Convention on the Conservation of Nature and Natural Resources, which forbids tree felling, and article 6 of UNESCO's Convention for the Protection of the World Cultural and Natural Heritage, which forbids direct or indirect damage to the natural heritage of the States Parties.

419. The fact that Ugandan and Rwandan forces have killed almost 4 000 elephants out of a population of 12 000 in the Garamba Park for the purpose of illegal trafficking in ivory constitutes a serious breach of paragraph 1, article III, of the CITES Convention: "All trade in specimens of species included in Appendix I shall be in accordance with the provisions if this Article". It also contravenes the Congolese law protecting such species in parks.

420. The use of child labour in the gold-mines of Kilo-Moto in Orientale Province and the diamond mines of Equateur Province, by Rwanda and the MLC respectively, constitutes a serious breach of the International Convention on the Rights of the Child, ILO Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, and article 22 of the African Charter on the Rights and welfare of the African Child.

CHAPTER 9: THE SETTLEMENT OF DISPUTES

421. The wide-scale looting and illegal exploitation of the natural resources and other forms of wealth of the Democratic Republic of the Congo constitute the basic objective of the war of aggression and occupation. It is quite normal that this should lead to a dispute between the Democratic Republic of the Congo and all the actors involved in these economic crimes. The Congolese Government is entitled to substantial support from the United Nations in its efforts to obtain compensation for the inestimable damage done by the war of aggression.

422. Realism demands that the Democratic Republic of the Congo attempt to settle this dispute through negotiation, on the basis of bilateral contacts in the political, diplomatic, commercial and judicial spheres.

423. Each of these categories offers opportunities for rehabilitating the country and for repairing, even if only partially, the enormous damage sustained by the Congolese State and people.

Section 1: Political

424. At the level of its national legal system, the Democratic Republic of the Congo has opted for an original method of settling the dispute arising from the rebellion and foreign aggression. This choice is in line with the overall framework of the Lusaka Agreement. The method involves attempting to achieve peace through political negotiations in the context of the Inter-Congolese dialogue.

425. The two main objectives of the Inter-Congolese dialogue are to achieve national reconciliation between the government, the rebel movements, the unarmed opposition and civil society, and to bring about a new political order based on a consensual transition process and the holding of elections to establish the institutions of the Third Republic.

426. At the regional level, it is a question of negotiating a peaceful settlement to the conflict on the basis of expanded dialogue between all the states of the Great Lakes subregion.

427. The initiatives already taken include plans for the holding of a regional conference on peace, security and development in the Great Lakes countries. These meetings would lead to a settlement of the overall crisis and a plan to integrate economic reconstruction and development.

Section 2: Diplomatic

428. As a result of the war of aggression and rebellion, the Democratic Republic of the Congo is the victim of illegal exploitation of its natural resources and other assets.

429. The responsibility for these economic crimes falls squarely on the aggressor states, the rebel movements and their accomplices. **In the two reports published in April and December 2001, the United Nations shows the effectiveness of the wide-scale looting and illegal exploitation of the natural resources and other forms of wealth that has been inflicted on the Democratic Republic of the Congo.**

430. This has been a combined effort by states, international organizations, multinational companies and individuals of many nationalities
The damage suffered by the Democratic Republic of the Congo, its people and its economic, social and cultural sectors is so serious that it is commonly described as a veritable humanitarian, economic and ecological disaster.

431. The resulting dispute calls for long-term commitment on the part of the Congolese Government. Negotiations will have to be conducted on a bilateral basis so as to establish compensation mechanisms applicable to each state and international organization. From this viewpoint, the Democratic Republic of the Congo will have to maintain a central diplomatic file containing the full identity of each perpetrator and a description of the facts behind every claim.

432. With regard to the aggressor countries, bilateral negotiations have already begun with the Republic of Burundi. An initial joint meeting was held in Kinshasa in January 2002.

433. The Burundian delegation on that occasion was led by the Minister for Foreign Affairs, Thérence Sinunguruza.

434. These bilateral negotiations fulfil the recommendation made by the Security Council, in resolution 1376 of 9 November 2001, that the parties to the Lusaka Ceasefire Agreement work with the Burundian authorities to advance the peace processes in Burundi and in the Democratic Republic of the Congo, given the links that exist between the two processes.

435. The two delegations agreed to try to bring the negotiations to a successful conclusion; these will be organized in the framework of the regional initiative for peace, security and development in the countries of the Great Lakes subregion.

436. The governments of the two countries agreed to hold a meeting of Burundian and Congolese experts during the second half of February 2002 at Bujumbura. The objective was to finalize practical means of fulfilling the commitments undertaken. However, owing to unforeseen circumstances, the meeting was postponed to April 2002 and then delayed further for similar reasons.

437. Diplomatic contacts were initiated between the Democratic Republic of the Congo and the Republic of Uganda. They resulted in the signing, on 7 September 2002, of the Luanda peace agreement under which Uganda agreed to the unconditional withdrawal of its troops from occupied Congolese territory. According to MONUC,

Ugandan troops have withdrawn from Beni and Gbadolite. In order to keep the population of Bunia safe pending the deployment of national police, MONUC requested Uganda to maintain its presence there.

438. With respect to relations with Rwanda, an exploratory mission has been to Kigali under the leadership of Minister Mwenze Kongolo. The contacts that already existed between the heads of state were extended to the expert level. The two heads of state met in Durban following a meeting of experts held during the African Union summit from 8 to 10 July. In the same month, a meeting also took place in South Africa between military officers from the two countries. Finally, the two heads of state signed the Pretoria Agreement on 30 July 2002 in the presence of Thabo Mbeki, acting in the dual capacity of President of South Africa and President of the African Union.

439. Bilateral negotiations are also being prepared with the Congo Republic, the Central African Republic, Zambia and, in particular, Tanzania. A Tanzanian delegation visited Kinshasa in February 2002 in the context of the Joint Cooperation Committee.

440. On that occasion, the agenda covered not only peace and the territorial integrity of the Democratic Republic of the Congo, but also bilateral relations focusing on the illegal transit of Congolese products through the port of Dar es Salaam.
The latter would involve negotiations with other transit states and with the states that provide the final destination and/or end use for looted Congolese products.

441. At the level of relations with the international organizations caught up in the looting and illegal exploitation of Congolese resources, the Democratic Republic of the Congo has entered into bilateral negotiations with the World Bank, the IMF and the European Union.
Under this process, negotiations are currently being held with a view to elaborating and approving the modalities of the PMURR.

Section 3: Commercial

442. In its first report and the addendum thereto, the United Nations Panel of Experts recommended that all the warring parties, especially those actors cited as looters or illicit traffickers, should be rendered liable.

443. The commercial dispute is a potentially long process, which, if successful, will produce a compromise settlement.
Certain intermediary countries, such as Belgium, have conducted inquiries to determine the truth regarding the unlawful acts alleged to have been committed by Belgians or by companies belonging to them or having their headquarters on Belgian soil. The aim of the Belgian initiative is to prevent the reoccurrence of such acts.

444. The Democratic Republic of the Congo intends to approach the international organizations and financial institutions with links to the looting with a view to finding an amicable settlement to the commercial dispute.

445. Thus, in respect of Sabena, an amicable settlement is possible. The airline has been accused of acting as intermediary for the transport of certain mining products, in particular coltan; the company acknowledged its liability just before going bankrupt. The same applies to Safmarine, SDV-Transitra, Cogecom and other companies that shipped products looted from the Democratic Republic of the Congo.

446. The involvement of commercial enterprises in the trafficking of precious materials from the Democratic Republic of the Congo does not necessarily imply legal proceedings. Instead, the Democratic Republic of the Congo will use commercial negotiation as the first resort. As a final resort, it could refer the matter to a commercial court of arbitration, thus positioning itself mid-way between the commercial and judicial options.

447. This would mean that the following solutions might be possible:

a) payment of damages as compensation;
b) reimbursement of plundered goods;
c) restitution of the looted goods or part thereof;
d) restoration of order to the commercial situation in respect of fiscal matters and the trade register;
e) rebuilding of national infrastructures such as roads, highways, schools, hospitals, bridges, airports, railways and ports;
f) unfreezing of the bank accounts of persons involved in the illicit trafficking of assets belonging to the Democratic Republic of the Congo, in order to pay compensation for the harm done, or in distributing such products.

Section 4: Judicial

448. The Democratic Republic of the Congo has the possibility to render liable the aggressors and looters of its resources, on a penal or civil basis, before the national or international courts.

449. The basis for such action may be found in a number of legal texts, including the Congolese penal code, civil code and commercial code, the Universal Declaration of Human Rights, the Geneva Conventions of 1949, and their additional protocols relating to the protection of the civil population and civilian or socio-cultural property.

450. In 2000, the Democratic Republic of the Congo attempted to have Rwanda and Uganda sentenced by the International Court of Justice for the attacks it had suffered. However, owing to the refusal of Uganda to recognize the Court's competence, the case was not submitted.

451. The Democratic Republic of the Congo reserves the right to go to court. Above all, it intends to exhaust every available possibility to pursue acts of looting by means of political, diplomatic or commercial litigation.

452. The Democratic Republic of the Congo will pursue or have pursued any natural or legal person that has profited from the war to loot or illegally exploit its natural resources or other forms of wealth.

453. Legal proceedings have already begun at the international level in respect of Sanjivan Ruprah, one of the key figures behind the systematic looting. He has been detained for questioning in Belgium. He is an Indian subject, born in Kenya, who travels under a British passport.

454. He was arrested on 5 February 2002 at Uccle (Brussels) and immediately placed in detention under an order granted by judge Freyne, on grounds of having associated with criminals and held false passports. When released pending trial, Sanjivan Ruprah fled to Italy, where he has just been arrested once more. The Democratic Republic of the Congo intends to join in the legal proceedings begun by these other countries in order to claim damages and contribute to the prosecution.

455. Sanjivan Ruprah spent three years in the eastern Democratic Republic of the Congo, trading arms for diamonds, coltan, cassiterite and gold. He had already practised his deplorable trade in Liberia and Sierra Leone, acquiring a reputation for his expertise.

456. Although the Sanjivan case is only one among so many other pernicious examples, it does constitute a good precedent. The Democratic Republic of the Congo is in the process of compiling a database to house the evidence needed to support the case against Mr Sanjivan and others involved in looting Congolese assets.

457. This information will be sent shortly to the Belgian or Italian courts to help secure a conviction against this outlaw and claim compensation for the enormous harm he has done to the Congolese state and people. The same applies to Madame Gulamali, who has now run into problems with the Belgian courts.

CHAPTER 10: THE EVOLUTION OF THE PEACE PROCESS IN THE DEMOCRATIC REPUBLIC OF THE CONGO

10.1. The crisis in the Democratic Republic of the Congo

458. On 2 August 1998, the Ugandan, Rwandan and Burundian armies unleashed a war of aggression against the Democratic Republic of the Congo. They stated that their actions were based on concerns about security along their respective borders with the Democratic Republic of the Congo.

459. Uganda's borders had already been secured in joint operations conducted by the FAC and the UPDF around the Ruwenzori massif and along the frontier extending from the Congolese territory of Mahagi to Kanyabayonga, in Lubero territory.

460. General James Kazini was appointed in June 1998 to coordinate Ugandan actions against the Allied Democratic Forces (ADF). His headquarters were positioned at the foot of the Ruwenzori massif.

461. The Congolese side was commanded by Colonel Walungu of the FAC brigade stationed in Bunia , with a battalion operating at Beni to cover the Ruwenzori.

462. Their joint operations markedly reduced the activities of the ADF fighters.

463. Despite an offer by the Congolese Government to collaborate in wiping out the ADF, Uganda began taking action intended to destabilise institutions in Kinshasa.

464. As to Rwanda, its invasion of Congolese territory is the expression of its desire to annex a part of Orientale Province and all of greater Kivu-Maniema, so as to form the "volcano" republic mooted at the Tunis summit meeting of "Tutsi International Power" on 18 March 1996. To achieve this, they needed to install President Kagame's henchmen in Kinshasa.

465. While grateful for the RPA's valuable support during the Congolese people's struggle for liberation against the long dictatorship of Mobutu, President Kabila blocked any attempt by Rwanda to subjugate his country to certain international political and financial mafia interests.

466. Blocked by the patriotic vigilance of the Congolese people, and facing the frustration of its expansionist designs on the Kivu-Maniema area, in January 1998 the Kagame regime embarked on a plan to conquer the Democratic Republic of the Congo by military force, with the blessing of certain foreign political and financial powers.

467. On 28 July 1998, the late President Kabila, having learned that the Rwandans were plotting to seize power in Kinshasa, ended military cooperation with Rwanda and Uganda.

468. Thus it was that the Rwandan Government formed the Rally for Congolese Democracy (RCD) at Kigali in July 1998, as confirmed by the addendum to the report of the Panel of Experts. This was an ideologically different rebel movement, whose only aim was to defend Rwanda's interests at any price. Likewise, the MLC of Jean-Pierre Bemba was created six months after the start of the war of aggression, at the instigation of Uganda's President Musseveni and certain members of the political family of former President Mobutu, including generals Nzimbi and Baramoto.

469. Burundi pretends that it is in the Democratic Republic of the Congo to pursue armed FDD groups. However, since Burundi entered the war of aggression four years ago, FDD fighters have remained on Burundian territory to fight the mono-ethnic army that assassinated President Melchior Ndayaye only three months after his democratic election.

10.2. The Lusaka Agreement of 10 July 1999

470. The Lusaka Agreement signed on 10 July 1999 was the starting point of the peace process in the Democratic Republic of the Congo. Although criticised and unwanted by the majority of Congolese public opinion, the Government signed the agreement as an expression of its desire to restore peace, territorial integrity and national unity.

471. The aims of the agreement are:

a) to restore peace by observing the ceasefire;
b) national reconciliation;
c) to establish a new set of institutions through the inter-Congolese dialogue;
d) free movement of people and goods throughout the territory of the Democratic Republic of the Congo;
e) the demobilization, disarmament and repatriation of the armed groups;
f) the permanent withdrawal of foreign forces from the Democratic Republic of the Congo;
g) free, transparent and democratic elections.

472. The Lusaka Agreement was initially violated by fighting between the Ugandan and Rwandan armies at Kisangani in August 1999, May 2000 and June 2000, causing over 1 000 civilian deaths. It seemed as if the Ugandans had become Interahamwe or their allies against Rwanda.

473. These violations showed the world that the presence of Ugandan and Rwandan troops on Congolese territory derived not from security concerns, but from a desire to possess the country's natural resources and other forms of wealth.

474. Contrary to the supposed motives of both countries, it is their desire for control of Congolese wealth that explains the economic investments they have made. To support the Lusaka Agreement, the Security Council established MONUC.

475. With the agreement of the Congolese Parties to the Lusaka Agreement, the OAU then appointed former Botswanan President, Mr Ketumile Masire, as Facilitator to ensure that the Inter-Congolese dialogue is effectively maintained.

10.3. The Government's objectives and efforts in the context of maintaining the Inter-Congolese Dialogue from 26 January 2001 to the present day

476. Since 26 January 2001, when he was formally appointed President of the Republic, His Excellency Joseph Kabila has fulfilled his solemn undertaking to revive the peace process by placing fresh emphasis on the Lusaka Agreement.

477. The Government of the Republic has worked to make the Inter-Congolese Dialogue effective, as a means of giving expression to its political intentions.

10.4. The Government's efforts prior to the Inter-Congolese Dialogue at Sun City

AT THE NATIONAL LEVEL

478.

a) The Government has revived the Lusaka Agreement by expressing its renewed confidence in the Facilitator of the Inter-Congolese Dialogue;
b) Relations between the Government and MONUC have been improved considerably;
c) The ceasefire has been observed along the front lines, except for a few violations in the eastern part of the country, especially in occupied Kivu and Oriental Province, and in south-western Katanga at Moliro and Pweto;
d) The foreign troops invited in by the Government, mainly those from Namibia and Angola, are gradually withdrawing. Zimbabwe is also withdrawing its troops gradually from Congolese territory;
e) Ugandan troops are withdrawing, whereas Rwanda is strengthening its presence in the occupied territories;
f) At a meeting in Gaborone, the participants defined the terms of reference for the Inter-Congolese Dialogue in accordance with the Lusaka Agreement;
g) The Inter-Congolese Dialogue was formally opened at a meeting held in Addis Ababa in October 2001; the process continued in South Africa;
h) At Abuja, Nigeria, in November 2001, the problem of including representatives of all the forces active in the dialogue was resolved;
i) Besides these many meetings, the Government has continued the process of democratisation by readjusting the law on political parties following consultations between the Government, the political parties and civil society;
j) The President of the Republic, anxious to include all Congolese in the dialogue, has conducted negotiations with the country's political leaders and the other *forces vives*;
k) child soldiers are gradually being demobilised and returned to the community;
l) Armed groups are being disarmed in the territories under government control. For example, 2 000 Rwandan fighters at Kamina were disarmed, confined

and, beginning in 2001, handed over to MONUC for repatriation, in collaboration with the Kigali Government and in accordance with international law.

479. The arms recovered at Kamina were destroyed by fire at a ceremony held in Kinshasa on 4 May 2002 attended by members of the diplomatic corps and of the Security Council mission to the Great Lakes region from 3 to 5 May 2002, headed by the French Ambassador, Mr Levitte. The Democratic Republic of the Congo, which bears no responsibility for the Rwandan genocide of 1994, will not allow its territory to be used as the launching point of operations designed to destabilise neighbouring countries with which it intends to live in harmony.

AT THE INTERNATIONAL LEVEL

480.

a) During its mission to Kinshasa, the Government of the Republic offered the International Criminal Tribunal for Rwanda (ICTR) its full cooperation and invited it to open an office in Kinshasa to help search for, identify, locate and pursue Rwandans wanted for crimes of genocide, and to defuse tensions between the two countries;
b) For budgetary reasons, the ICTR was unable to take up this offer. The Government also asked the Security Council to set up a body to investigate the presence of armed Rwandan groups on Congolese territory. The Security Council entrusted this mission to MONUC, which reported in April 2002. The conclusions that follow from this report allow Rwanda no further pretext for continuing to occupy a part of Congolese territory. According to MONUC, there are still 12 000 Interahamwe present in the areas controlled by Rwanda, Uganda and Burundi;
c) Meanwhile, Rwanda is freeing thousands of its so-called Interahamwe prisoners - Hutus - from gaol and using them as unpaid labour to extract coltan, diamonds, cassiterite and other materials at mines in the Congolese territories it occupies. The main aim is to swell the ranks of armed Interahamwe groups, so that it can continue to justify its presence in the Democratic Republic of the Congo.

481. Accordingly, although the Congolese Government believes that Rwanda is experiencing security problems, it cannot accept that security guarantees for Rwanda and the other aggressor states should be sought at the expense of the Congolese people or their country's sovereignty and territorial integrity.

482. It is not the case that these countries' political problems derive from the presence of their armed forces in the Democratic Republic of the Congo; rather, it is our country which is a victim of the others' political instability, and the presence of their troops on our soil is one of the serious consequences. The occupation of a part of Congolese territory by Rwandan troops cannot be justified in any way by the presence of armed groups in our country.

483. Rwanda's refusal to withdraw from the Democratic Republic of the Congo until its armed groups are dealt with is in fact a pretext for remaining there as long as possible and for concealing its ultimate aim of continuing the wide-scale looting and illegal exploitation of the Congolese people's natural resources and other assets. These Congolese resources are the real "Interahamwe" that Rwanda is pursuing.

484. The Congolese Government believes that a lasting solution can only be found by means of an international conference on peace, security, democracy and development in the Great Lakes. At the latest meeting of the political committee to monitor the application of the Lusaka Ceasefire Agreement, held in Luanda in May 2002 and attended by the Security Council's mission to the Great Lakes region, it was recommended that a joint surveillance and security commission should be formed to monitor the borders between the Democratic Republic of the Congo and the aggressor states. Its membership would include Rwanda, Uganda, Burundi, the Democratic Republic of the Congo and MONUC. Also, the Security Council was recommended to change MONUC's mandate to that of a peace-keeping force, in accordance with Event 15 of the Calendar for Implementation of the Ceasefire Agreement.

485. **Despite that recommendation, the Security Council confined itself, in its resolution 1417 of 14 June 2002, to:**

a) extending MONUC's mandate until 30 June 2003;
b) reaffirming MONUC's mandate to take necessary action in the areas of deployment of its armed units and as it deems it within its capabilities;
c) protecting United Nations and co-located Joint Military Commission personnel, facilities, installations and equipment;
d) ensuring the security and freedom of its personnel;
e) protecting civilians under imminent threat of physical violence.

486. **To date, the Security Council's resolutions on the demilitarisation of Kisangani and Pweto and on the neutralisation of Kindu, in Maniema province, have gone unheeded.**

10.5. The Inter-Congolese Dialogue in Sun City and the political agreement on consensus-based administration of the transition

487. On 25 February 2002, the long-awaited Inter-Congolese Dialogue opened in Sun City, South Africa.

488. During the 52 days of the Dialogue, 52 agenda items were discussed by the five different committees.

489. The outcome was that 37 resolutions were adopted by consensus on arrangements relating to the transition and the future of the Democratic Republic of the Congo.

490. On 19 April 2002, one day after the end of the Inter-Congolese Dialogue, a political agreement on consensus-based management of the transition was concluded between the Government of the Republic and the MLC. This attracted the support of 80 per cent of the participants in the Dialogue, the exceptions being RCD-Goma and political parties such as the UDPS and PALU, thus giving rise to a patriotic platform. The agreement also reunified 70 per cent of the national territory.

490a. **All the participants in the Dialogue at Sun City recognized Joseph Kabila as President of the Republic and Head of State of the Democratic Republic of the Congo, in conformity with the spirit of the Lusaka Agreement signed by Laurent-Désiré Kabila in his capacity as head of the government on the one hand, and as President of the Democratic Republic of the Congo on the other. They did so, knowing that the Signatories had committed themselves to abiding by the Lusaka Agreement in the long term. The Agreement had already placed the head of state above the fray. Accordingly, he was able to sign the Agreement on behalf of the Republic in its internationally recognized geographical form. By contrast, the RCD and MLC signed it as rebel movements, and therefore as outlawed organizations.**

491. Although it is open to non-signatories, the Sun City agreement is still rejected by RCD-Goma. However, the Congolese participants in the Sun City agreement, both signatories and non-signatories, committed themselves to a universal peace agreement through the Alliance to Protect the Inter-Congolese Dialogue, which advocates that a universal peace agreement must be negotiated separately from the Sun City agreement. By contrast, a large number of other participants, notably the MLC, maintain that the negotiations on a univrsal peace agreement must be based on the Sun City agreement.

492. During May 2002, a governmental delegation of five ministers visited Bunia, former headquarters of the RCD-ML, via Kampala, to begin restoring the State's administrative authority in that part of the country, which had been occupied by Uganda.

POINTS OF DIVERGENCE

493. Nevertheless, two issues remain to be resolved: the army and the new political order.

494. The opposing Congolese parties at Sun City represented three points of view:

1. Support for the Government of the Republic and belief in the need for a consensus-based and inclusive transition. All institutions are negotiable except the Presidency of the Republic, which is a symbol of unity and national sovereignty enshrined in the Lusaka Agreement.
2. Support for the MLC while accepting in part the Government's offer. Acceptance of Joseph Kabila's status as President while advocating a collective presidency.
3. The philosophy of *tabula rasa*, i.e. returning to square one and creating a Democratic Republic of the Congo and a new army on the basis of the Sun

City agreement. This position opposes the spirit of the Lusaka Agreement, which established respect for the integrity of each signatory and every participant in the Inter-Congolese Dialogue.

Thus, in demanding the removal of the Government as a signatory to the Lusaka Agreement and participant in the Inter-Congolese Dialogue, RCD-Goma has failed to understand that it is potentially placing a serious obstacle in the path of the peace process, since the Government is the main actor in the efforts to achieve peace in the Democratic Republic of the Congo.

495. In an effort to assist the Facilitator and his team, the President of South Africa, Thabo Mbeki, put forward a plan which differed from that proposed by the Congolese Government in one major respect - it established a Council of State at the head of the state, a kind of triumvirate that would open the way to conflict-based transition once institutions were in place.

496. Faced with the impossibility of reconciling the three Congolese opposing camps and the Mbeki plans I and II, and fearing that the political negotiations in Sun City would end in a failure that threatened the peace process, the Government stepped up its discussions with the Facilitator's team and with the other participants so as to avoid a fruitless end to the Sun City talks.

497. Finding the way forward blocked, the Government negotiated a way to use the Mbeki plan as the basis for a traditional pattern of institutions, adapted to the current circumstances in the Democratic Republic of the Congo. This was the political agreement reached in Sun City.

CONTENT OF THE SUN CITY POLITICAL AGREEMENT

498. Following a series of discussions, common ground was established between the Government and the MLC of Jean-Pierre Bemba on the question of the new political order which had already attracted the support of the other participants in the Inter-Congolese Dialogue, the exceptions being RCD-Goma and a few political parties such as the UDPS of Etienne Tshisekedi and Antoine Gizenga's PALU.

499. The political agreement on consensus-based management of the transition established the following institutions for the transition:

a) The President of the Republic, in the person of the current head of state, Major-General Joseph Kabila;
b) the National Assembly, headed by a president from RCD-Goma;
c) the Senate, whose president is chosen from among the political parties;
d) the Government, with a prime minister from the MLC;
e) the courts and tribunals.

500. A working group to prepare a draft constitution for the transition was proposed, its membership to be drawn from all the participating entities.

501. The chairmen of bodies such as the national election commission and the truth and reconciliation commission will come from civil society.

502. **The Sun City political agreement on consensus-based management of the transition in the Democratic Republic of the Congo has been received as a step forward by the Congolese people and a certain sector of the international community, but not as sufficient to restore peace and national unity.**

10.6. Arrangements for implementing the Sun City political agreement and continuation of the peace process in the Democratic Republic of the Congo

503. Since the end of the Inter-Congolese Dialogue in Sun City, the President of the Republic has complied fully with the Sun City agreement and devoted all his efforts to its implementation.

504. A committee comprising representatives of the participants and the signatories to the agreement was set up to draft a transitional constitution.

505. The committee worked from 10 May to 5 July 2002 in the town of Matadi. Three major areas of disagreement emerged: the army, the office of prime minister and governmental control over parliament.

506. The plenary meeting in Matadi mandated its chairman to hold discussions with the head of state, the president of the MLC and leading representatives of the parties signatories to the Sun City political agreement, with a view to settling these divergences as soon as possible.

507. In the meantime, the Secretary-General of the United Nations, in his 11th report to the Security Council, stated that the Congolese parties had not been able to reach unanimous agreement at Sun City, and that he had appointed a special envoy to assist the parties in holding talks designed to lead to a more extensive and complete agreement providing the basis for establishing a transitional authority.

508. The Secretary-General's report strengthened the position of the President of the Republic and Head of State, which was one of open-mindedness, as made clear in many of his speeches, including his address to the nation on 30 June.

509. In addition, in its resolution 1417 of 14 June 2002, the Security Council called on Rwanda to use its influence to persuade RCD-Goma to fulfil its obligations without delay.

510. Prior to the Pretoria Agreement of 30 July 2002, the government in Kigali remained the major obstacle to the return of peace in the Democratic Republic of the Congo and the Great Lakes subregion.

511. Turning words into action, the President of the Republic met President Kagame of Rwanda during the Thirty-seventh OAU Summit in Durban, with President Mbeki of South Africa acting as mediator. During their encounter, it was decided that political and military experts would meet to negotiate a draft peace agreement, which was then signed by the two Presidents on 30 July 2002 in Pretoria. The agreement concerned the withdrawal of Rwandan troops and their disarmament and voluntary repatriation. It involves a third party comprising South Africa and the United Nations and envisages changing MONUC's mandate to that of a peace-keeping force. During a meeting between the Secretary-General and the Presidents of the United States, Rwanda, South Africa and the Democratic Republic of the Congo held in New York in September 2002, the Rwandan President announced that the withdrawal of his troops from Congolese soil had begun and would be completed by the end of October. Rwanda also made public its plan for the withdrawal.

512. Following the Sun City and Pretoria Agreements, the Government of the Democratic Republic of the Congo concluded an agreement with Uganda on 5 September 2002 concerning the unconditional withdrawal of Ugandan troops, cooperation and the restoration of normal relations between the two countries. Other important features were the start of the withdrawal of Ugandan troops and the setting up of a joint programme for the pacification of Ituri. Discussions on these issues began in Kinshasa on 28 September 200.

513. With effect from Tuesday, 24 September 2002, the Government of the Democratic Republic of the Congo declared personae non gratae the leaders of the FDLR, demanding that they leave Congolese territory within 72 hours.

514. Lastly, under the mediation of Moustafa Niasse, the various participants in the Inter-Congolese Dialogue have agreed to continue the political negotiations with a view to concluding a global peace agreement and to sharing responsibilities in inclusive administration of the transition.

514a. Concerning the withdrawal of allied troops:

a) December 2001: full withdrawal of the Namibian troops and part of the Angolan troops;
b) Since September 2001: the withdrawal of the Zimbabwean troops, a process set to continue until complete withdrawal by the end of October 2002;
c) The withdrawal of Angolan troops begun in 2001 will be completed on 31 December 2002.

GENERAL CONCLUSIONS AND RECOMMENDATIONS TO THE SECURITY COUNCIL

1. GENERAL CONCLUSIONS

515. The Democratic Republic of the Congo is the victim of wide-scale looting and illegal exploitation of its natural resources and other forms of wealth, the perpetrators being Rwanda, Uganda and Burundi.

516. These countries' desire to possess the assets of the Democratic Republic of the Congo is their main reason for attacking Congolese territory and occupying part of it.

517. Far from being a conflict waged because of the security fears of the above-mentioned countries, this is a war based on business concerns, funded by huge sums of money inadvertently released by international financing bodies. Without such resources, the three attacking countries could not have held out for so long against the Congolese Armed Forces (FAC) and their allies of the SADC.

518. The RCD and the MLC were set up by Rwanda and Uganda respectively, in order to cover up their attacks and escape international condemnation.

519. There is a clear link between the looting and illegal exploitation of Congolese natural resources and other forms of wealth, and the pursuit of the war of occupation.

520. Despite the firm resistance of the Congolese Government and people towards the occupation of their national territory, the legal victory over the forces of occupation requires a decision by the Security Council and the commitment of the United states, the United Kingdom and France. These countries wield considerable influence in the Great Lakes region and are capable of using it to help restore peace to the Democratic Republic of the Congo and the subregion.

521. We should like to pay tribute to the United States and France for their pivotal roles in support of the many initiatives taken by the Secretary-General and the Security Council.

522. Prior to the withdrawal of Rwandan and Ugandan troops, the Congolese Government invited the Security Council to monitor the situation closely, so that no new excuses can be put forward.

523. The deployment of United Nations peacekeepers along the borders shared with Rwanda, Uganda and Burundi is essential. This is why MONUC's mandate must be changed.

524. The Government of the Democratic Republic of the Congo also insists on the need for collaboration between the United Nations and the African Union in organising an urgent international conference on peace, security and development in the Great Lakes region.

525. The Democratic Republic of the Congo expects that justice will be done this time, in the light of the evidence contained in its note of December 2001 and the addendum thereto, and the reports submitted by the Panel of Experts. Despite the prevarication of Rwanda, Uganda and Burundi, the various investigations conducted into the looting and illegal exploitation of the natural resources and other forms of wealth of the Democratic Republic of the Congo only confirm what we have stated. Enormous resources will be needed to rehabilitate and rebuild the Democratic Republic of the Congo.

526. In order to bring a final end to the looting and illegal exploitation of the natural resources and other forms of wealth of the Democratic Republic of the Congo and to the war of aggression, the Congolese Government proposes the following recommendations, all relating to the nine chapters of this addendum.

2. RECOMMENDATIONS TO THE SECURITY COUNCIL

527. With regard to the strengthening of institutional capacities, and taking into account the fact that the United Nations Panel of Experts considers the weakness of Congolese institutions to be a contributory factor to the continuing looting of Congolese assets:

- The Government of the Democratic Republic of the Congo recommends to the Security Council that it encourage donors to increase their level of technical cooperation with the Congo through greater support for its programme of institutional capacity building.

528. Concerning international funding for the Democratic Republic of the Congo, the Government recommends that the Security Council:

a) Suspend all donor contributions, whether budgetary aid, assistance with balance of payments, or economic aid, for the aggressor states until such time as their troops have withdrawn from Congolese territory;
b) Recommend and encourage donors and other international finance institutions to renew structural cooperation with the Democratic Republic of the Congo, taking into account the size of its population, the extent of their poverty and the scale of the damage done to its socio-economic infrastructures;
c) Request international donors to fund a reconstruction plan for the Democratic Republic of the Congo similar to the Marshall Plan set up after the Second World War;
d) Following the effort to fund the drafting of a mining code for the Democratic Republic of the Congo, recommend that financial support be provided for a programme of geological exploration designed to take stock of the country's mineral deposits following their reckless exploitation by the aggressors;
e) Declare the Democratic Republic of the Congo a disaster area to be included among the poor countries most highly in debt. This would trigger debt cancelling and allow a people impoverished by the war of aggression to benefit from an economic revival and improved social conditions.

529. As to the settling of disputes, and out of a concern to end the looting of Congolese assets and prevent such crimes reoccurring in the Democratic Republic of the Congo and elsewhere, the Government also recommends that the United Nations provide assistance for the Democratic Republic of the Congo in:

a) dismantling all the networks used for the looting and illegal exploitation;
b) seizing the assets and goods of the perpetrators as compensation for the damage they have done to this country;
c) pursuing the perpetrators of such deeds and their accomplices;
d) obtaining the conviction of such persons as well as compensation for the Democratic Republic of the Congo for the damage it has suffered.

530. Concerning the revision of the commercial and other contracts relating to mining, forestry and land concessions concluded since 1997 with third parties, the Government, while accepting its duty to expunge certain disputable clauses inserted in a war context and bring the contracts into line with the prevailing legislation, recommends that:

- the international community ensure respect for the rights of sovereignty granted to the Government by the Charters of the United Nations and the African Union, for the sake of security and lasting peace in the Great Lakes subregion.

531. On the subject of the environment and the national socio-economic infrastructure, the Government suggests that:

- the United Nations, through organizations and mechanisms such as MONUC, UNDP, UNESCO, CITES, UNEP and the World Bank, contribute financial and technical resources to the Government's efforts to rehabilitate the environment and the country's socio-economic infrastructure.

532. With regard to the humanitarian catastrophe, the Government wishes to make the following recommendations:

a) The Security Council, following the examples of Yugoslavia and Rwanda and in accordance with the provisions of the Lusaka Ceasefire Agreement (Annex A, Chapter 8) and its own resolutions (1376 and 1476) should set up an international criminal tribunal for the Democratic Republic of the Congo, in order to try and to punish those responsible for the crimes against humanity committed there;
b) The Security Council should also request United Nations humanitarian organizations to play a full part in the repatriation and socio-economic reintegration of refugees and displaced persons in the Democratic Republic of the Congo;
c) The Security Council is also asked to request the involvement of the international community in disarming, repatriating and rehabilitating child soldiers in the Democratic Republic of the Congo.

533. With respect to the criminalisation of the Congolese economy, the Government recommends that the Security Council:

a) Adopt principles for the payment of compensation to the economic victims of the war, namely farmers, religious groups, non-governmental organizations and other Congolese economic operators, by the aggressor countries and multinational enterprises involved in the looting and illegal exploitation of Congolese natural resources and other assets;
b) Consider providing support for the Congolese Government's efforts to establish a system for collecting data relating to compensation claims;

c) Support the speedy implementation of the Kimberley Process as a means of tackling the problem of "bloody" diamonds and the illicit trade in other precious substances such as gold;
d) Establish an international criminal tribunal to track down all persons involved in the economic crimes in the Democratic Republic of the Congo during the war of aggression;
e) Set up a mechanism to monitor application of the Security Council resolutions relating to the looting and illegal exploitation of Congolese natural resources and other assets.

534. Lastly, in view of the progress of the peace process in the Democratic Republic of the Congo, the Government recalls and insists upon the following recommendations:

a) Greater and more practical involvement by the international community in resolving the conflict that is destroying the Democratic Republic of the Congo;
b) The Security Council must change MONUC's mandate to that of a peacekeeping force, in accordance with the Lusaka Agreement (Chapter 8, Annex A; Activity 15 of the Calendar for Implementation). MONUC's troops would be deployed as a safety net along the borders shared with Rwanda, Uganda and Burundi;
c) The Security Council must take urgent measures to supervise the full withdrawal of the invading troops from Congolese soil, in accordance with its resolutions 1376 and 1476, and to ensure implementation of the Pretoria Agreement relating to the withdrawal of Rwandan troops and the disarmament and repatriation of armed groups (ex-FAR and Interahamwe) and of the Luanda peace agreement relating to the withdrawal of Ugandan troops;
d) The Security Council must also strengthen its support for the peace process in the Democratic Republic of the Congo, with a view to achieving a consensus-based universal peace agreement that is inclusive and covers the transition and the early holding of free, transparent and democratic elections.
e) The Security Council, acting in concert with the African Union, must attach a high priority to holding an international conference in the near future on peace, security and sustainable development in the African Great Lakes region.